



# DEPARTMENT OF PUBLIC SAFETY BUREAU OF CRIMINAL IDENTIFICATION

Concealed Firearm Permit  
Instructor Course





# COURSE OVERVIEW

- Course Requirements
- Application  
(CFP & Instructors)
- Certification  
(CFP & Instructors)
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- Reciprocity / Recognition
- Law Enforcement Contacts
- CFP Course Review
- General Familiarity
- Minimum Training Curriculum
- Background Checks
- Disqualifying Criteria
- Appeals Process
- Utah State Law
- Federal Firearms Regulations
- FAQs



# INSTRUCTOR REQUIREMENTS





# COURSE REQUIREMENTS

## ⦿ Instructional Course and Test

⦿ A Utah concealed firearms instructor, in order to obtain initial certification or renew a certification, shall attend an instructional course and pass a certification test

## ⦿ The course shall include instruction on

⦿ Current Utah law related to firearms

⦿ Concealed carry statutes and rules

⦿ The use of deadly force by private citizens

53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

(c)(i) In order to obtain initial certification or renew a certification, an instructor shall attend an instructional course and pass a test under the direction of the bureau.

(ii)(A) The bureau shall provide or contract to provide the course referred to in Subsection (9)(c)(i) twice every year.

(B) The course shall include instruction on current Utah law related to firearms, including concealed carry statutes and rules, and the use of deadly force by private citizens.



# INSTRUCTOR APPLICATION

- ⦿ What **must accompany** your application
  - ⦿ BCI course certificate
  - ⦿ Proof of having completed a firearms instructor training course from the National Rifle Association (NRA), the Utah Department of Public Safety, Division of Peace Officer Standards and Training (P.O.S.T.) or their equivalent (initial application only)
  - ⦿ One passport quality photo
  - ⦿ Photo copy of driver license
  - ⦿ Signed Agreement that you will teach Utah minimum training curriculum
  - ⦿ Possess a Utah concealed firearm permit
  - ⦿ **One year deadline all instructor/permit applications must be submitted to BCI within one year of instructor/CFP course completion**



# INSTRUCTOR CERTIFICATION

## ⦿ Renewal Period

⦿ Instructor certification is valid for a **three-year** period from the issue date of initial and each subsequent renewal application.

## ⦿ Fees

⦿ Each applicant for certification shall pay a fee of \$50.00

⦿ The renewal fee for the certificate is \$25.00

⦿ Certifications expired by more than 30 days will incur a \$7.50 late fee. Applications received after one year of expiration are invalid and the applicant must complete the full application process again.



# INSTRUCTOR CERTIFICATION

⦿ In addition to the instructor certificate issued by BCI, instructors are issued a “Utah Concealed Firearm Instructor” identification card

UTAH		I999999	
DEPARTMENT OF PUBLIC SAFETY Concealed Firearm Instructor			
NAME:	TEST	TEST	
D.O.B.	01/01/1901	SEX:	F
ADDRESS:	123 FAKE ST		
CITY:	FAKE CITY	ST:	UT ZIP: 11111
DATE OF ISSUE:	12/20/2016	DATE OF EXPIRATION:	12/20/2019
HT:	511	WT:	220 EYES: BLU HAIR: BRO
Commissioner of Public Safety: <i>[Signature]</i>			



STATE OF UTAH DEPARTMENT OF PUBLIC SAFETY	
Concealed Firearms Instructor Certification	
3/1/2006 Date Issued	1101000 License Number
JOHN Q SAMPLE	
is licensed to conduct business as a concealed firearms instructor in the State Of Utah, subject to the law and the rules and regulations set forth by the Commissioner of Public Safety pertaining to such business and the licensing thereof.	
<i>[Signature]</i> Commissioner of Public Safety	



# CERTIFIED INSTRUCTOR LOGO

- ⦿ Certified Instructor
- ⦿ Instructors **ARE NOT** employed by BCI or the State of Utah

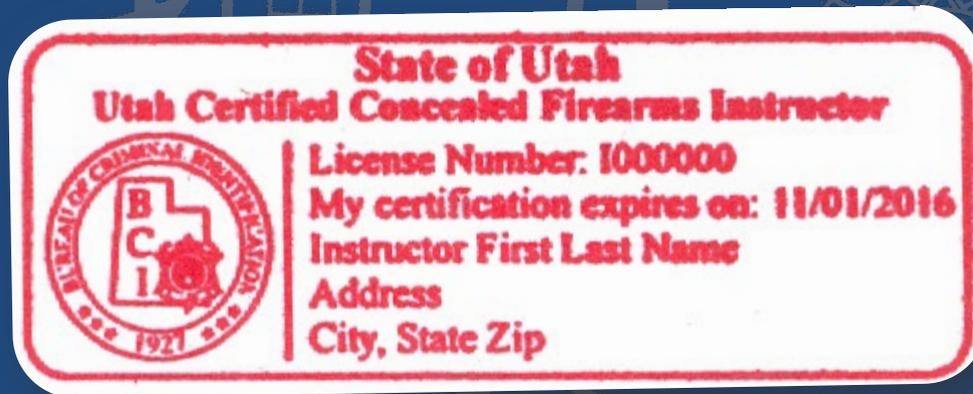




# INSTRUCTOR SEAL

## ⦿ Instructor's Official Seal

- ⦿ All instructors **must obtain** an official seal
- ⦿ The seal shall be **affixed to all certificates issued** by the instructor
- ⦿ The exact **design of the seal** is determined by BCI



Example of an instructor's official seal



# INSTRUCTOR SEAL

- ⊙ Stamps can be produced by any stamp maker but must follow BCI design and include:
  - ⊙ Instructor name, instructor #, and the BCI Logo
  - ⊙ The words "Utah Certified Concealed Firearms Instructor" and "State of Utah"
  - ⊙ Certification expiration date
  - ⊙ Instructor's business or residence address

Stamp company information  
is available on your CD



# CONCEALED FIREARM PERMIT APPLICANT REQUIREMENTS





# BUREAU AUTHORITY

- ◎ BCI has statutory authority to supervise and administer rules and laws that pertain to the concealed firearm and instructor programs.
- ◎ BCI does not have the statutory authority to turn away instructor applications or limit the number of instructors.
- ◎ Any changes in the law, administrative rules, reciprocal agreements or changes in training requirements to include a practical shooting exercise would have to be accomplished through the legislature and/or the Utah Attorney General's Office.



# WHY A UTAH CFP?

- ◎ Some common reasons people may seek a Utah Concealed Firearm Permit
  - ◎ The ability to carry a firearm **fully loaded**
  - ◎ The ability to carry a firearm **concealed**
  - ◎ Waives the \$7.50 **background check fee** for purchasing a firearm (Utah residents only)
  - ◎ **Recognition** of Utah's permit by other states
  - ◎ Permit valid for **5 years**
  - ◎ Lower permit **cost** compared to many other states
  - ◎ Utah law makes no distinction or defines what type of firearm a concealed firearm permit holder can possess or how many



# APPLICATION REQUIREMENTS

- Utilize the **bordered space** provided on the application to stamp with the official seal.
- Pay attention to the **revision date** at the bottom of the application.
- The application must be **completed by the applicant prior to the instructor signing** and stamping the application.

The form is titled "State of Utah Department of Public Safety APPLICATION FOR CONCEALED FIREARM PERMIT". It includes instructions for applicants, a section for personal information (Name, Address, Phone, Height, Weight, etc.), a section for criminal history and other offenses, a section for instructor certification, and a section for payment method (Credit Card or Check). The form also includes a section for the applicant's signature and date, and a section for the instructor's signature and date. The form is numbered "3 Digit Control # 192" and "Expiration Date (MMYY)". The form is dated "Revised 1/2015".



# APPLICATION REQUIREMENTS

## ⦿ Application requirements:

⦿ 21 years of age or older

⦿ One **passport quality** photo

⦿ Photo copy of driver license

⦿ One (blue) type applicant fingerprint card

⦿ Instructor stamp in **red** ink

⦿ Non-resident applicants who reside in a state that Utah has reciprocity or recognition with must also supply **proof of having obtained a permit from their state of residency**

⦿ Applications **must be received** by BCI **within one year** of taking the concealed firearm permit course

The image shows a sample of the "APPLICATION FOR CONCEALED FIREARM PERMIT" form from the Utah Department of Public Safety. The form is titled "APPLICATION FOR CONCEALED FIREARM PERMIT" and includes instructions for applicants. It contains various fields for personal information, including name, address, date of birth, and citizenship. There are also sections for "ALL APPLICANTS" and "NEW APPLICANTS" with checkboxes for various legal and safety questions. The form includes a section for the instructor's signature and stamp, and a section for payment information, including a credit card signature and number. The form is dated "Revised 12/2015" and includes the Utah Bureau of Criminal Identification address and phone number.



# APPLICATION FEES

## ◎ Resident Concealed Firearm Permit

**\$53.25**

- ◎ \$25.00 - Permit processing fee
- ◎ \$13.25 - FBI fingerprint processing fee
- ◎ \$15.00 - State background check fee

## ◎ Non Resident Concealed Firearm Permit

**\$63.25**

- ◎ \$35.00 - Permit processing fee
- ◎ \$13.25 - FBI fingerprint processing fee
- ◎ \$15.00 - State background check fee



# APPLICATION RENEWALS

## ◎Renewal requirements:

- ◎ **\$20.00** in state renewal fee
- ◎ **\$25.00** out of state renewal fee
- ◎ **Completed** application

- ◎ One **passport quality photo**

- ◎Permits expired by **more than 30 days** will incur a \$7.50 late fee.

- ◎Expired permits received that are **over a year old** will require the applicant to complete the full application process again



# APPLICATION RENEWALS

- ◎ Permit holders may renew **in person**, by **mail**, and **online**.
- ◎ To renew online, go to <https://secure.utah.gov/concealed-firearms>
- ◎ There is a **\$0.75 convenience fee** to renew over the internet.
- ◎ Permit holders will need the **capability to upload** a passport quality photo and a copy of his/her own states concealed firearm permit or concealed weapon permit, if applicable.



# ACTIVE DUTY MILITARY

- ⊙ Utah waives permit renewal fees for active duty service members and their spouses
- ⊙ This **only applies** to active duty service members and their spouses **while stationed in Utah**

53-5-707. Concealed firearm permit -- Fees -- Concealed Weapons Account.

- (1)(a) An applicant for a concealed firearm permit shall pay a fee of \$24.75 at the time of filing an application.
- (b) A nonresident applicant shall pay an additional \$10 for the additional cost of processing a nonresident application.
- (c) The bureau shall waive the initial fee for an applicant who is a law enforcement officer under Section 53-13-103.
- (d) Concealed firearm permit renewal fees for active duty service members and the spouse of an active duty service member shall be waived.
- (2) The renewal fee for the permit is \$15.
- (3) The replacement fee for the permit is \$10.
- (4)(a) The late fee for the renewal permit is \$7.50.
- (b) As used in this section, "late fee" means the fee charged by the bureau for a renewal submitted on a permit that has been expired for more than 30 days but less than one year.



# PROBLEM AREAS

- ◎ Common reasons applications are mailed back (on an average 200-400 applications weekly)
- ◎ Incorrect payment amount
- ◎ Not signing the credit card line
- ◎ Incorrect zip code associated with credit card
- ◎ Instructor stamps must be legible
- ◎ Photos must be of passport style and quality
- ◎ Fingerprints must be of good quality and the card must have been completed

State of Utah  
Department of Public Safety  
APPLICATION FOR CONCEALED FIREARM PERMIT  
INSTRUCTIONS  
NEW APPLICANT

Anyone, at least 21 years of age, may apply for the Utah Concealed Firearm Permit. Please answer all questions by typing or clearly printing in ink.

Applications may be submitted in person or by mail to:  
Bureau of Criminal Identification  
3886 West 5400 South  
Taylorsville UT 84129  
Office Hours: M-F, 8:00 a.m. until 5:00 p.m.

Applications must be accompanied by all required documentation (see below). Every application must be signed by the applicant prior to submission.

If applying by mail, please send application and everything that must accompany it in a 9 x 12 envelope, if possible.

**COST TO APPLY**  
The following non-refundable fee must be included with your application:  
Utah Residents: \$40.00  
Non-Residents: \$51.00

**PAYMENT OPTIONS**  
The Bureau accepts cash, check, money order, VISA and MASTERCARD. Credit card payment must include the 3-digit control number on the back of the card.  
Name and address must be imprinted on checks (no "counter checks" please). Please make check or money order payable to: Utah Bureau of Criminal Identification. There will be a \$20 service charge for returned checks. PLEASE DO NOT SEND CASH IN THE MAIL.

**CONCEALED FIREARM COURSE SURVEY**  
Please complete the course survey available at:  
<http://www.publicsafety.utah.gov/bci/cfp/survey.htm>  
You may return the survey by email to:  
DPSFIREARMS@utah.gov

**WHAT MUST ACCOMPANY THE APPLICATION**  
ISSUED IDENTIFICATION CARD

- (BLUE & WHITE) APPLICANT FINGERPRINT CARD  
BCI does offer fingerprint services. The fee is \$16.00
- PHOTOGRAPH:  
One recent color photograph of passport quality (2x2, no hats or sunglasses please). NAME MUST BE ON BACK OF PHOTO! BCI does offer photo services for our permits. The fee for a photo is \$16.00
- Application must include permanent physical residence and mailing address (if applicable).

**NON-RESIDENT PROOF OF PERMIT**  
If you reside in a state that recognizes the validity of the Utah CFP or has reciprocity with Utah, you must obtain a CFP or application from your home state and submit a copy of it with your application for a Utah permit. For a list of reciprocal states visit: <http://www.publicsafety.utah.gov/bci/cfp/reciprocity.htm>  
Residency will be determined by your state-issued identification. If your state does not recognize the Utah permit this does not apply.

**FINGERPRINT CARDS:**  
Blue and white (FD-358) Applicant fingerprint cards can be obtained from BCI or your local police department. Fingerprint card must be filled out completely, including signatures of both the applicant and official. USE BLACK; cards that are not legible will be rejected. Fingerprinters will cause a delay in processing the application. Private businesses and many local law enforcement agencies provide this service, check your local listings.

**APPLICANTS BORN OUTSIDE OF U.S.:**  
If you were born outside of the U.S., you must include your Alien Registration Number or INS Registration Number on your application and fingerprint card, or certificate. A copy of a valid U.S. passport will also be accepted for proof of citizenship if born outside the U.S.

**WEAPON FAMILIARITY CERTIFICATION:**  
Applicants must complete a firearms familiarity course, certified by the Bureau, before applying for a permit. Please have your instructor complete the certification information on the application. Holders of a valid Concealed Firearm Permit from another state other than Utah are not exempt from taking the weapon familiarity course from an approved Utah instructor. BCI must receive your application within one year from the date the course was completed.

**APPLICATION PROCESSING**  
Upon receipt of your completed application packet, we will process your payment, then applications will be reviewed in background investigation. Upon completion of the background investigation, if it is determined that the criteria established by law has been met, the permit will be mailed to you. Please do not call to check the status of your permit; the review process may take up to 60 days.

**WARNING**  
Falsification of any information in the application may result in denial or revocation of a permit and possible criminal prosecution.

**VISIT OUR WEBSITE AT:**  
<http://publicsafety.utah.gov/bci/>  
Any questions please contact BCI at 801-966-4446 or DPSFIREARMS@utah.gov

Utah Bureau of Criminal Identification 3886 W 5400 S Taylorsville Utah 84129 (801) 965-4446 ••••• BCI-1523A-1007  
Revised 3/2015



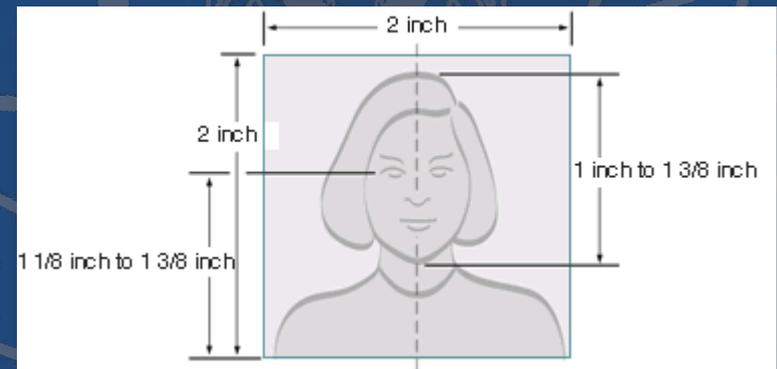
# PROBLEM AREAS

- ⊙ Not providing a copy of the applicant's driver license
- ⊙ Not providing a copy of the applicant's home state permit (when applicable)
  - ⊙ 8.5" X 11" paper (**not wallet sized, cut out, etc.**)
- ⊙ Applicants born outside the United States must supply proper documents
- ⊙ All necessary copies must be made and attached to the application prior to submission
- ⊙ Current address must be on file with BCI
  - ⊙ USPS will not forward BCI mail
  - ⊙ Returned mail will cause delays and additional costs to the program



# APPLICATION PHOTOS

- Applicants required to submit a recent color photograph of **passport quality**
- Passport quality means:
  - Approximately 2 in. X 2 in.
  - Taken within last 6 months and showing current appearance
  - Full front view of subject's face
  - No hats or dark glasses
  - Plain (white) background





# FINGERPRINTS

⊙ Prints **must meet FBI requirements (53-5-706)**

⊙ Fingers **rolled** from one edge of the nail to the other edge and just below the first joint

⊙ Ridge characteristics are **clear**

⊙ Impressions are **uniform** in tone

⊙ There is an impression in **each block**

⊙ If the digit has been amputated or is disfigured, write this in the box provided

⊙ There are 4 impressions and a thumb in the **simultaneous impression block**

A photograph of a fingerprint application form. The form is titled "APPLICANT" and contains fields for personal information such as name, address, and date of birth. It also includes a section for "TYPE OR PRINT ALL INFORMATION IN BLACK" and a grid of 10 fingerprint impressions. The impressions are arranged in two rows of five, with the top row labeled "R. INDEX", "R. MIDDLE", "R. RING", "R. PINKY", and "R. THUMB". The bottom row is labeled "L. INDEX", "L. MIDDLE", "L. RING", "L. PINKY", and "L. THUMB". The form also includes a section for "SIMULTANEOUS IMPRESSIONS" and a "REMARKS" section.

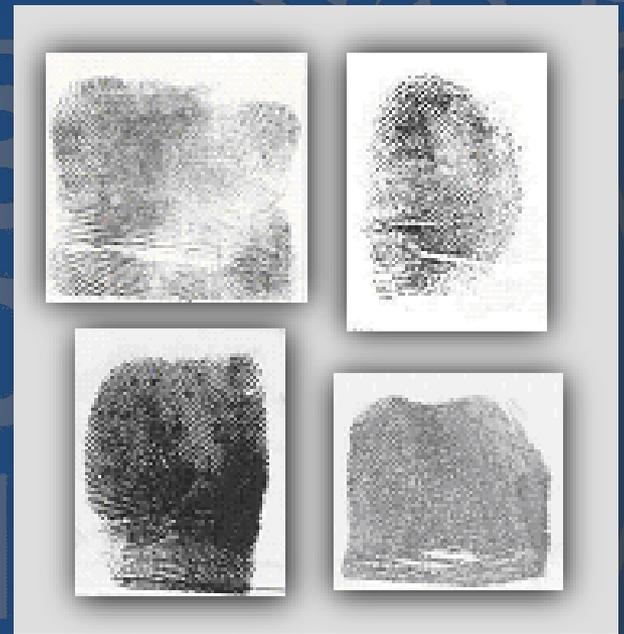
53-5-706. Permit -- Fingerprints transmitted to bureau -- Report from bureau.  
(1)(a) Except as provided in Subsection (2), the fingerprints of each applicant shall be taken on a form prescribed by the bureau.  
(b) Upon receipt of the fingerprints and the fee prescribed in Section 53-5-707, the bureau shall conduct a search of its files for criminal history information pertaining to the applicant, and shall request the Federal Bureau of Investigation to conduct a similar search through its files.  
(c) If the fingerprints are insufficient for the Federal Bureau of Investigation to conduct a search of its files for criminal history information, the application or concealed firearm permit may be denied, suspended, or revoked until sufficient fingerprints are submitted by the applicant.



# FINGERPRINTS

## ⊙ Reasons prints may be **rejected**

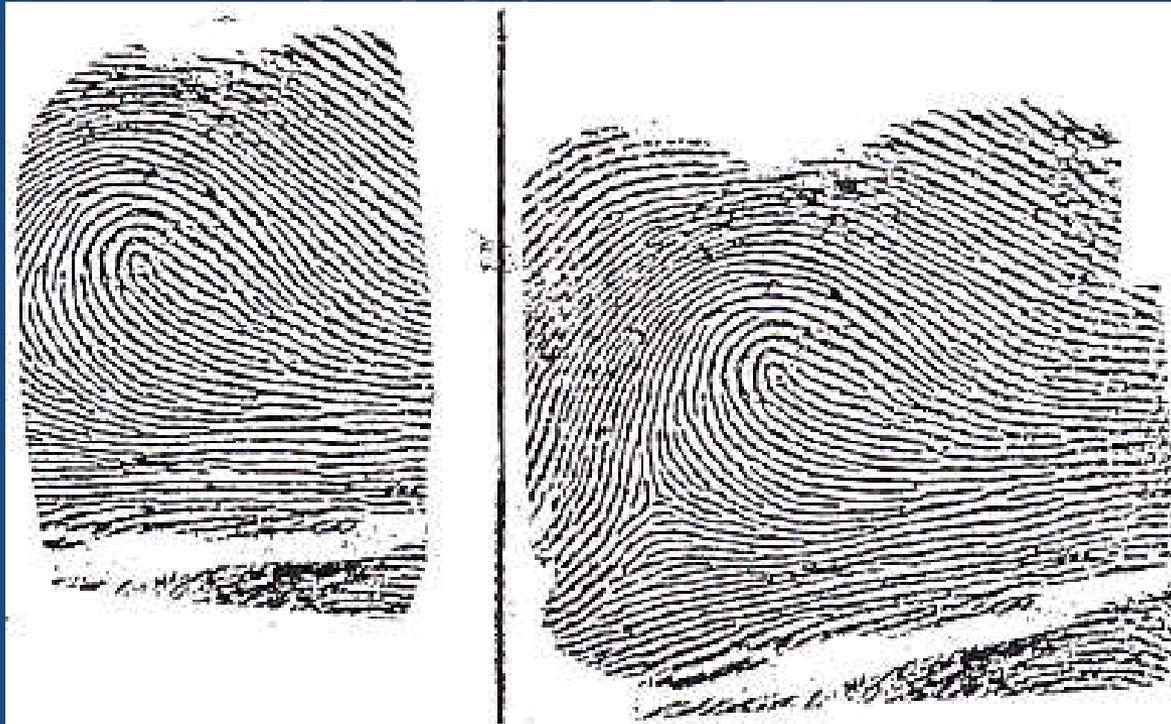
- ⊙ Ink is **unevenly** distributed
- ⊙ Fingers are **not fully inked**
- ⊙ Too much or too little ink
- ⊙ Fingers **slip or twist** during rolling
- ⊙ Ridges are worn smooth
- ⊙ One or more **fingers printed twice**
- ⊙ One or more **impressions missing**
- ⊙ Fingerprints on the **back of the card**
- ⊙ Fail to include **complete information**





# FINGERPRINTS

⦿ Pressed versus rolled





# FINGERPRINT CARDS

- ◎ Ensure Completeness
  - ◎ Applicant name & Signature
  - ◎ Biometric data
  - ◎ SSN/ITIN
  - ◎ Print taker Signature and date

The image shows a fingerprint card (FD-208) with the following handwritten information:

- APPLICANT: LEAVE BLANK
- FD-208 (REV. 3-1-10) 1110-0046
- SIGNATURE OF PERSON FINGERPRINTED: [Handwritten signature]
- RESIDENCE OF PERSON FINGERPRINTED: [Redacted]
- DATE: 9/21/13
- SIGNATURE OF OFFICIAL TAKING FINGERPRINTS: [Handwritten signature]
- EMPLOYER AND ADDRESS: [Redacted]
- REASON FINGERPRINTED: [Redacted]
- LAST NAME: Bear
- FIRST NAME: Yogi
- MIDDLE NAME: J
- ALIASES/ AKA: [Redacted]
- CITIZENSHIP: OCA
- YOUR NO: FBI
- ARMED FORCES NO: MNU
- SOCIAL SECURITY NO: 638-12-3456
- MISCELLANEOUS NO: MNU
- UTBC10000
- BU OF CRIM IDENT
- SALT LAKE CITY, UT
- DATE OF BIRTH: 10/1/1980
- DOB: 10/1/1980
- SEX: M
- RACE: W
- HAIR: Brn
- EYES: Blk
- PLACE OF BIRTH: Utah
- CLASS: [Redacted]
- REF: [Redacted]

The card also contains 10 individual fingerprint impressions (1-10) and two sets of four impressions (11-12 and 13-14) for the left and right hands.



# PRINT CARD REQUESTS

- ⦿ Due to budgetary and resource considerations, BCI is no longer able to mail blank fingerprint cards to instructors.
  - ⦿ Cards may still be picked up in person at the BCI building
- ⦿ Instructors may purchase fingerprint cards through the U.S. Government Bookstore  
<https://bookstore.gpo.gov/products/sku/027-001-00086-6>
- ⦿ Amazon.com search “FD-258 fingerprint cards”
- ⦿ Applicants may provide their own prints taken by local law enforcement



# APPLICANTS BORN OUTSIDE THE U.S.

- ⦿ The applicant must be **qualified to purchase and possess** a firearm pursuant to state and federal law
- ⦿ The applicant must supply **proof of United States legal residency**
  - ⦿ Naturalization Number
  - ⦿ Born Abroad Birth Certificate (ex. born on a US military base)
  - ⦿ Valid U.S. Passport
  - ⦿ INS or Alien Registration Number
  - ⦿ Supply a **copy** of the actual certificate





# BADGES

- ⦿ It is a Class B misdemeanor to
  - ⦿ Displays or possesses any badge
  - ⦿ With the intent to deceive or induce another to submit to his pretended official authority or act



76-8-512. Impersonation of officer.

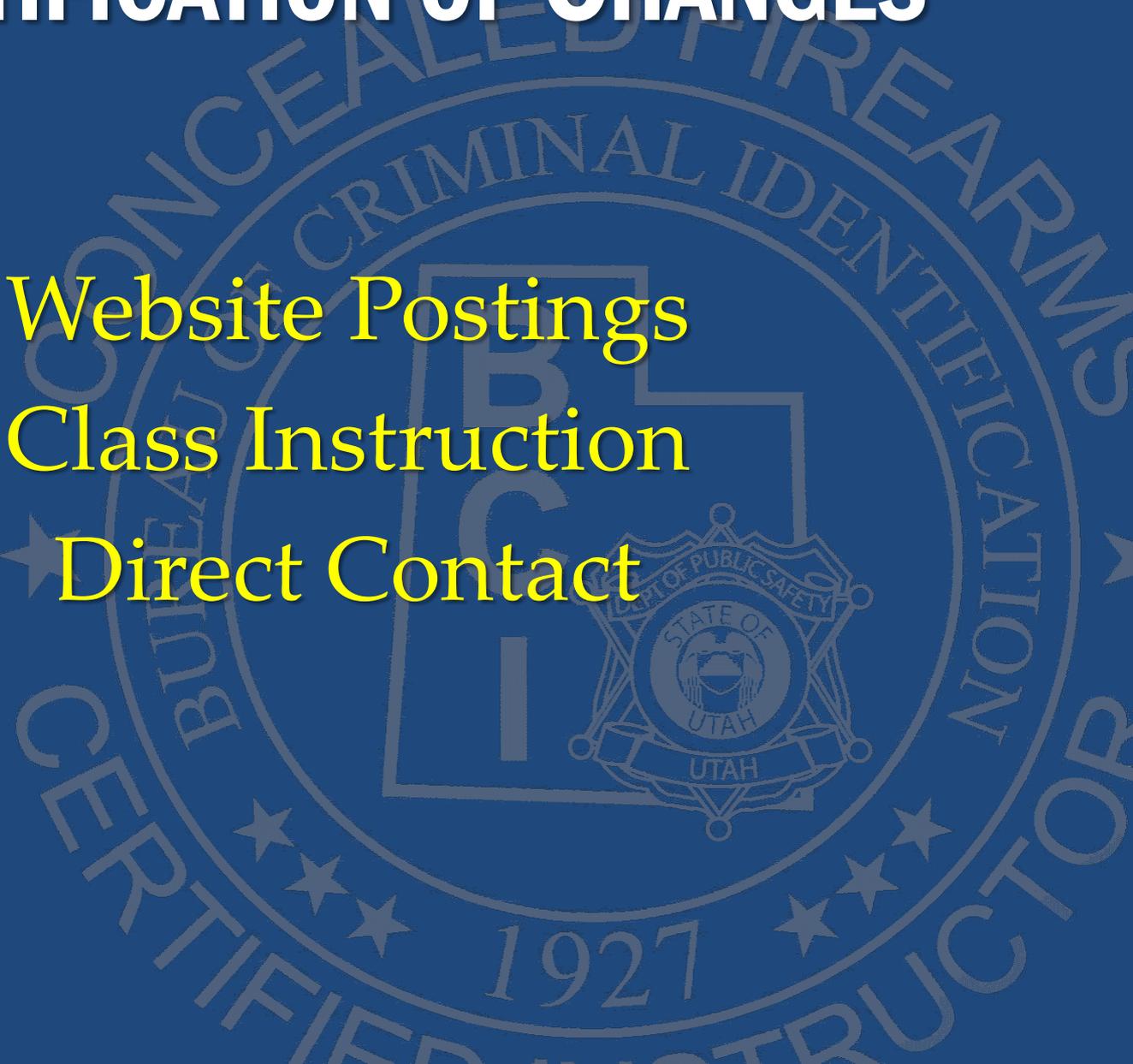
A person is guilty of a class B misdemeanor who:

(3) displays or possesses without authority any badge, identification card, other form of identification, any restraint device, or the uniform of any state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another or with the intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.



# NOTIFICATION OF CHANGES

Website Postings  
Class Instruction  
★ Direct Contact





# APPLICATION TO PERMIT

- Applications are received at BCI
  - In person, by mail, or online
    - In person applicants may get photos and prints at BCI for a fee of \$15 each.
- Applications are processed by **date of receipt**
- Permits are printed for approved applicants
  - Permits are sent by mail



# RECOGNITION OF UTAH PERMITS

- ◎ The following states recognize the Utah permit:
  - ◎ Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming
- ◎ Some states only **recognize** the Utah permit if **the permit holder is a Utah resident**:
  - ◎ Colorado, Michigan, Pennsylvania, Maine, New Hampshire, Florida



# RECOGNITION OF UTAH PERMITS

State	Recognition Status	Standard Permit		Provisional Permit	
		Home State Permit Required to apply for Utah permit	Home State Permit NOT Required to apply for a Utah permit	Home State Permit Required to apply for a Utah permit	Home State Permit NOT Required to apply for a Utah permit
Hawaii	Neither		✓		✓
Idaho	Both	✓		✓	
Illinois	Neither		✓		✓
Indiana	Both	✓		✓	
Iowa	Standard Only	✓			✓
Kansas	Standard Only	✓			✓
Kentucky	Standard Only	✓			✓
Louisiana	Standard Only	✓			✓
Maine	Standard Only	✓			✓
Maryland	Neither		✓		✓
Massachusetts	Neither		✓		✓
Michigan	Standard Only	✓			✓
Minnesota	Neither		✓		✓
Mississippi	Both	✓			✓
Missouri	Both	✓		✓	
Montana	Both	✓		✓	
Nebraska	Standard Only	✓			✓
Nevada	Both	✓			✓
New Hampshire	Standard Only	✓			✓
New Jersey	Neither		✓		✓
New Mexico	Neither		✓		✓
New York	Neither		✓		✓

Permit holders should always contact any state they plan to visit to confirm their laws  
Utah honors all valid permits



# UTAH FIREARM LAW

## ⦿ Authority given to the State

⦿ Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.

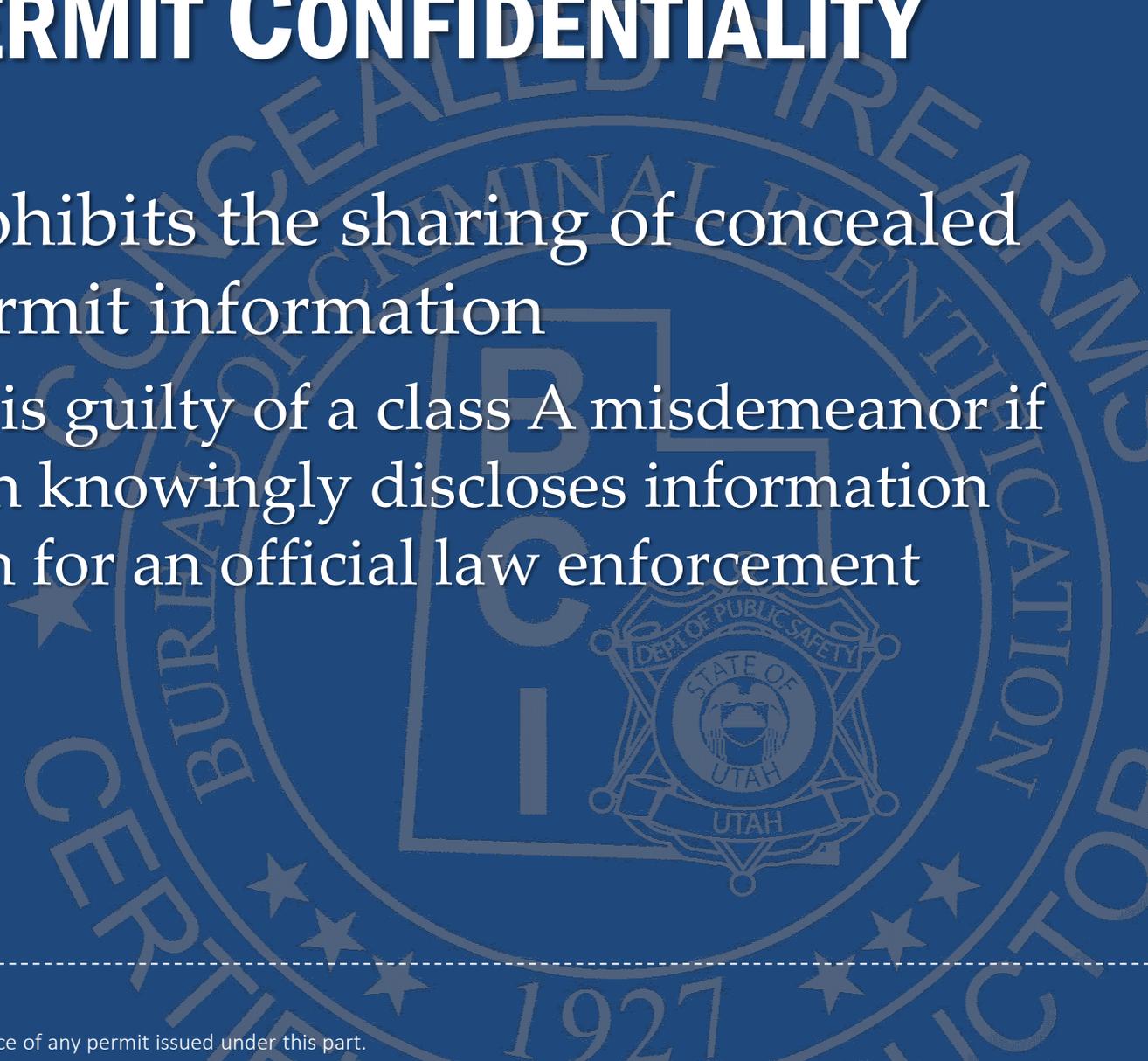
76-10-500. Uniform law.

- (1) The individual right to keep and bear arms being a constitutionally protected right, the Legislature finds the need to provide uniform laws throughout the state. Except as specifically provided by state law, a citizen of the United States or a lawfully admitted alien shall not be:
  - (a) prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at his place of residence, property, business, or in any vehicle lawfully in his possession or lawfully under his control; or
  - (b) required to have a permit or license to purchase, own, possess, transport, or keep a firearm.
- (2) This part is uniformly applicable throughout this state and in all its political subdivisions and municipalities. All authority to regulate firearms shall be reserved to the state except where the Legislature specifically delegates responsibility to local authorities or state entities. Unless specifically authorized by the Legislature by statute, a local authority or state entity may not enact or enforce any ordinance, regulation, or rule pertaining to firearms.



# PERMIT CONFIDENTIALITY

- ⦿ Statute prohibits the sharing of concealed firearm permit information
- ⦿ A person is guilty of a class A misdemeanor if the person knowingly discloses information other than for an official law enforcement purpose.



53-5-708. Permit -- Names private.

(1)

(a) The bureau shall maintain a record in its office of any permit issued under this part.

(b) Notwithstanding the requirements of Subsection 63G-2-301(2)(b), the names, addresses, telephone numbers, dates of birth, and Social Security numbers of persons receiving permits are protected records under Subsection 63G-2-305(11) .



# PERMIT ISSUE TIMES

- ⦿ Statute sets the time frame for permit issuance at **60 days**
- ⦿ **PLEASE** remind your students not to contact BCI unless it has been 60 days
- ⦿ If an application status check is requested, BCI prefers applicants to email **[dpsfirearms@utah.gov](mailto:dpsfirearms@utah.gov)** after 60 days has lapsed from the date the application was receipted



53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

(1)(a) The bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years of age or older within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection (2).



# FIREARM SAFETY PROGRAM

- ◎ BCI participates with the Utah Department of Health and the Utah Shooting Sports Council in a program to promote firearm safety and suicide prevention.
- ◎ The following video can be found at <https://youtu.be/w3gFeRNskv0> and may be used to help educate your students about these issues.



# CONCEALED FIREARM PERMIT COURSE REVIEW





# CFP COURSE REQUIREMENTS

- Firearm familiarity **must** be taught in person
- BCI does not accept waivers as evidence of general familiarity

53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

- (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by one of the following:
  - (i) completion of a course of instruction conducted by a national, state, or local firearms training organization approved by the bureau;
  - (ii) certification of general familiarity by a person who has been certified by the bureau, which may include a law enforcement officer, military or civilian firearms instructor, or hunter safety instructor; or
  - (iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.
- (c) Instruction taken by a student under Subsection (8) shall be in person and not through electronic means.



# CFP COURSE REQUIREMENTS

- ◎ Hands on instruction in:
  - ◎ Safe loading
  - ◎ Unloading
  - ◎ Storage
  - ◎ Carrying firearms concealed
- ◎ Review of current laws defining lawful firearm use
  - ◎ Lawful self defense
  - ◎ Use of force
  - ◎ Transportation
  - ◎ Concealment

53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

- (8) (a) General familiarity with the types of firearms to be concealed includes training in:
- (i) the safe loading, unloading, storage, and carrying of the types of firearms to be concealed; and
  - (ii) current laws defining lawful use of a firearm by a private citizen, including lawful self-defense, use of force by a private citizen, including use of deadly force, transportation, and concealment.

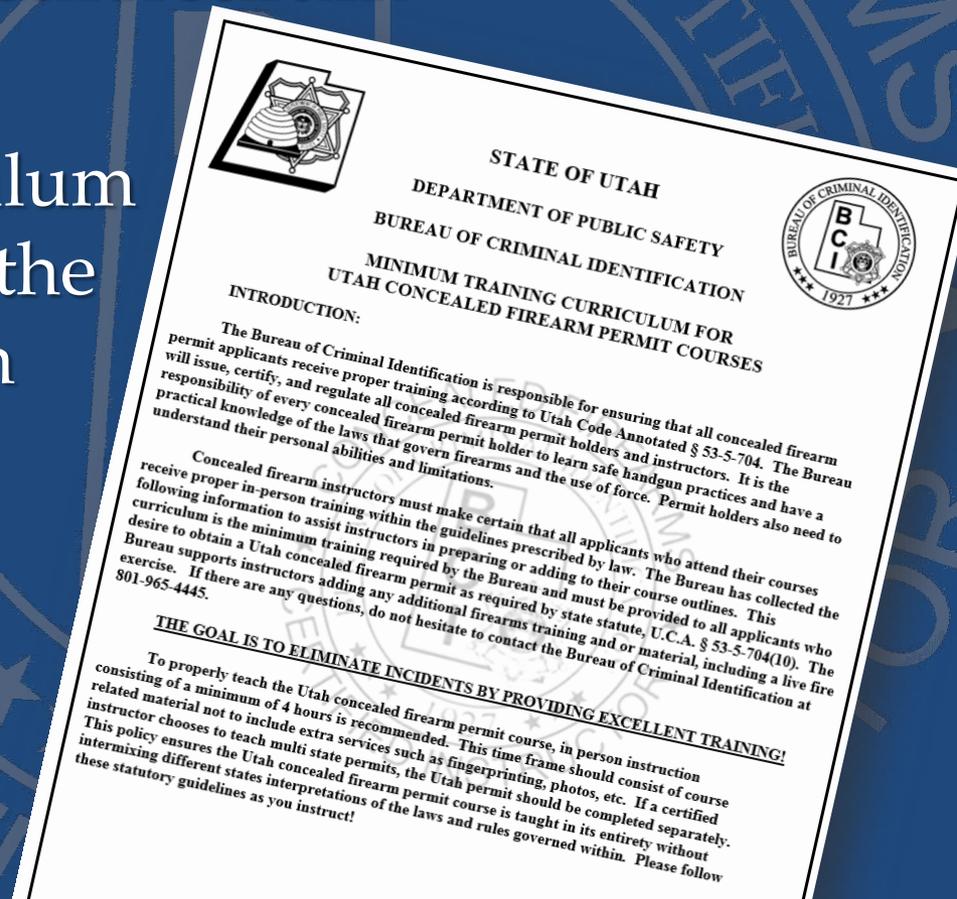


# CFP COURSE REQUIREMENTS

◎ Course instruction must meet the “minimum training curriculum” as set forth by BCI

◎ A copy of the curriculum must be signed with the instructor application

◎ Additional copies can be accessed on BCI’s website: [bci.utah.gov](http://bci.utah.gov)





# CFP COURSE REQUIREMENTS

- ⦿ Instructor **shall provide** each student with the required course of instruction outline approved by BCI
  - ⦿ Printed copy
  - ⦿ Burned on a CD
  - ⦿ Thumb Drive
  - ⦿ Each student must leave with a physical copy of the curriculum (**no email**)



# CFP COURSE REQUIREMENTS

- ⦿ A time study was conducted which determined **4 hours is a reasonable, minimal time frame to cover all the required material** from the training curriculum.
  - ⦿ This is not mandatory, provided all aspects of the training curriculum are covered.
- ⦿ All information must be presented with adherence to the minimum training curriculum. Additional information can be presented at the instructor's discretion.
- ⦿ If you are teaching a **multi-state class** it is not necessary to re-cover information taught in the previous class.
- ⦿ It is **EVERY INSTRUCTOR'S responsibility** to ensure all material in the minimum training curriculum is covered.



# CFP COURSE REQUIREMENTS

## ○ Handgun Safety Training & General Familiarity

### ○ Handgun safety rules

- Causes of accidents
- Elements of firearm safety
- Four basic gun safety rules
- Range safety rules
- Child safety



# CFP COURSE REQUIREMENTS

## ◎ Handgun Safety

### Training & General Familiarity

#### ◎ Hand gun parts and operation

- ◎ Frame

- ◎ Barrel

- ◎ Action

- ◎ Function and firing mechanism check

- ◎ Safe loading/unloading, cocking/de-cocking

- ◎ Revolver cylinder rotation

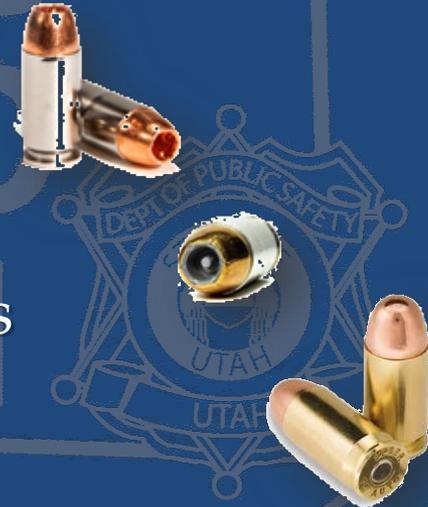


# CFP COURSE REQUIREMENTS

## ○ Handgun Safety Training & General Familiarity

### ○ Ammunition

- Cartridge Types
- Cartridge Components
- Firing Sequence
- Safety and General Guidelines
- Care and Storage
- Ammunition Malfunctions





# CFP COURSE REQUIREMENTS

- Handgun Safety Training & General Familiarity
  - **Fundamentals of shooting**
    - Basic two hand shooting positions
    - Basic shooting fundamentals



# CFP COURSE REQUIREMENTS

- Handgun Safety Training & General Familiarity
  - **Safe handling**
    - Range rules
    - Maintenance and cleaning
    - Safe draw, presentation, and holstering
    - Safe concealment considerations
    - Safe storage (firearms and ammunition)



# STATE CODE, FEDERAL CODE, AND ADMINISTRATIVE RULE

- ◎ Utah Criminal and Traffic Code
  - ◎ Concealed Firearm Act
  - ◎ Justification of force
  - ◎ Rules of arrest, by whom, and how made
  - ◎ Weapons in prohibited areas/circumstances
  - ◎ Weapons laws
  - ◎ Assault and related offenses
  - ◎ Weapons laws
    - ◎ Non-concealed permit holder



# STATE CODE, FEDERAL CODE, AND ADMINISTRATIVE RULE

## ◎ Federal Firearms Regulations

- ◎ Section 922 Unlawful Acts

- ◎ Straw Purchase

- ◎ Unlawful Transport

- ◎ Unlawful Transfer

- ◎ Unlawful Possession

- ◎ Unlawful Possession in a School Zone



# STATE CODE, FEDERAL CODE, AND ADMINISTRATIVE RULE

◎ 18 USC Section 924

◎ Penalties

◎ 18 USC Section 926A

◎ Interstate Transportation of Firearms

◎ 18 USC Section 929

◎ Use of Restricted Ammunition

◎ 18 USC Section 930

◎ Restrictions of Federal Facilities



# STATE CODE, FEDERAL CODE, AND ADMINISTRATIVE RULE

- ◎ BCI Administrative Rule and Policy
  - ◎ R722-300 Concealed Firearm Permit and Instructor Rule
  - ◎ Regulatory Duties
  - ◎ Permit Application Process
  - ◎ Criteria for Issuance, Denial, Suspension, and Revocation
  - ◎ Adjudicative Procedures

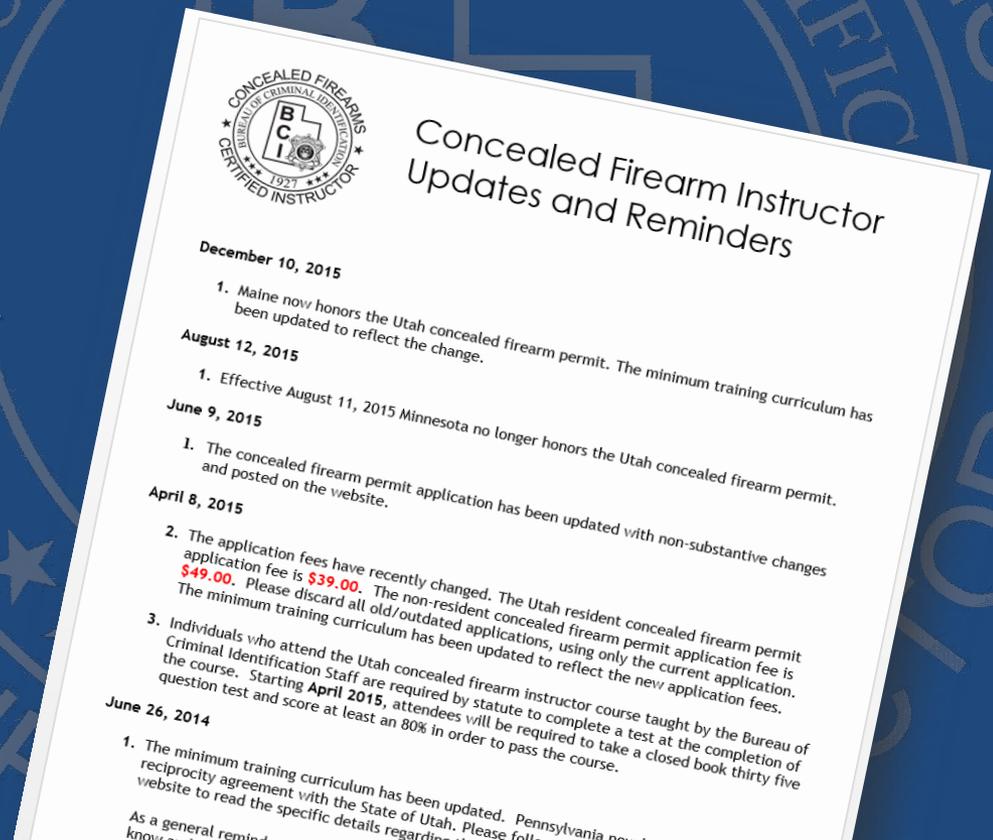


# INSTRUCTOR UPDATES AND REMINDERS

◎ All instructors should regularly check the BCI website for new and updated information

◎ [bci.utah.gov](http://bci.utah.gov)

◎ "Information for Concealed Firearm Instructors"





# ERRONEOUS TEACHING CONCEPTS

- ⦿ “Law allows you to shoot an attacker twice in the chest and once in the head.”
- ⦿ Interspersing other occupational sidelines with the CFP course
- ⦿ As a permit holder, “ I work for you.”
- ⦿ “If you are approached by a closed fist attacker, deadly force is justified.”
- ⦿ When advertising your CFP instructor business, don’t send BCI the bill.
- ⦿ When demonstrating, don’t use live ammunition.
- ⦿ Weaver Stance – “How you shoot a target that is weaving.”
- ⦿ If you extend a warning for someone to leave your property and they don’t, you can shoot them dead.



# COURSE MONITORING

- ⦿ Overt and Covert course checks
  - ⦿ BCI monitors CFP courses, both in and out of state
  - ⦿ BCI has a dedicated Investigator who monitors and investigates courses and complaints to ensure compliance with the minimum training curriculum, etc.
- ⦿ Complaints
  - ⦿ Instructor and applicant complaints will be aggressively investigated
- ⦿ Instructor fraud or non-compliance
  - ⦿ An instructor who is found to be in **violation of Federal law, Utah law or BCI administrative rule** may be subject to suspension/revocation and/or criminal prosecution.



# CONCEALED FIREARM ACT

- ◎ BCI is mandated by law to issue a concealed firearms permit within 60 days.
- ◎ The 60 day period will start once the applicant's account is charged.
- ◎ Inform your students **not to call** before 60 days to check on the progress of their permit, the same people processing the permits are answering the phones and it slows down the process.

53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

(1)(a) The bureau shall issue a permit to carry a concealed firearm for lawful self defense to an applicant who is 21 years of age or older within 60 days after receiving an application, unless the bureau finds proof that the applicant does not meet the qualifications set forth in Subsection (2).



# BACKGROUND CHECKS

- In order to be eligible to receive a Utah concealed firearm permit, the bureau must be able to check each and every applicant's criminal history through local, state, and national databases.
  - If the bureau is unable to do a background check of each of the following items, the applicant will not be eligible to receive a Utah concealed firearm permit.
- Utah Computerized Criminal History (UCCH)
- National Crime Information Center (NCIC)
- Interstate Identification Index (III)
- Drivers license information
- Statewide warrants file
- Criminal justice juvenile files
- Criminal history expungement system
- National Instant Check System (NICS)
- Immigration and Naturalization Service (when applicable)



# INSTRUCTOR LICENSE AND CONCEALED FIREARM PERMIT

© The Utah CFP instructor licenses and concealed carry permits are a “**privilege**” the State has granted you, and like any granted privilege, it can be suspended or revoked. However, if you follow a few simple rules, the State of Utah should have no reason to suspend or revoke your permit.

<b>UTAH</b>		<b>C380592</b>
DEPARTMENT OF PUBLIC SAFETY Concealed Firearm Permit		
NAME: <b>TEST TEST</b>		
D.O.B. <b>01/01/1901</b>	SEX: <b>M</b>	
ADDRESS: <b>123 FAKE ST</b>		
CITY: <b>FAKE CITY</b>	ST: <b>UT</b>	ZIP: <b>11111</b>
DATE OF ISSUE: <b>03/31/2016</b>	DATE OF EXPIRATION: <b>01/01/2021</b>	
HT: <b>500</b>	WT: <b>100</b>	EYES: <b>BLK</b> HAIR: <b>BLK</b>
Commissioner of Public Safety: <i>Keith D. Aguirre</i>		



<b>UTAH</b>		<b>I999999</b>
DEPARTMENT OF PUBLIC SAFETY Concealed Firearm Instructor		
NAME: <b>TEST TEST</b>		
D.O.B. <b>01/01/1901</b>	SEX: <b>F</b>	
ADDRESS: <b>123 FAKE ST</b>		
CITY: <b>FAKE CITY</b>	ST: <b>UT</b>	ZIP: <b>11111</b>
DATE OF ISSUE: <b>12/20/2016</b>	DATE OF EXPIRATION: <b>12/20/2019</b>	
HT: <b>511</b>	WT: <b>220</b>	EYES: <b>BLU</b> HAIR: <b>BRO</b>
Commissioner of Public Safety: <i>Keith D. Aguirre</i>		





# PERMIT HOLDER AND APPLICANT DISQUALIFYING CRITERIA





# APPLICATION QUESTIONS

⊙ Please remind your students that if they mark yes to a question on the application, they should also **attach an explanation and any supporting documentation**

⊙ Court paperwork, pardons, expungements, or any other documentation surrounding case outcomes

⊙ Must receive within a year of class date

The image shows a sample of the 'APPLICATION FOR CONCEALED FIREARM PERMIT' form from the State of Utah, Department of Public Safety. The form includes fields for personal information such as name, address, date of birth, and citizenship. It also contains a series of questions regarding criminal history, alcohol use, and domestic violence. A section for 'NEW APPLICANTS' requires a certification from a firearms instructor. The form concludes with a statement of understanding and a signature line. At the bottom, there is a section for 'METHOD OF PAYMENT' and a table for 'UTAH BUREAU OF CRIMINAL IDENTIFICATION' with columns for '9 or 4 Digit Control #' and 'Expiration Date (MMYY)'. The form is dated 'Revised 8/2016'.



# FALSE WRITTEN STATEMENTS

- ⦿ An individual who provides false information on a CFP application is guilty of a class B misdemeanor
- ⦿ The application may be denied, or the permit may be suspended or revoked.

**ALL APPLICANTS:** Please answer "Yes" or "No" to all questions below. A complete criminal background check will be conducted including expunged and juvenile court records. If you answer "Yes" to any question, attach documentation explaining your answer.

Yes  No Have you ever been convicted of a felony?

Yes  No Have you ever been convicted of a crime of violence?

Yes  No Have you ever been convicted of an offense involving the use of alcohol? (i.e. DUI/DWI, alcohol related reckless, unlawful use of alcohol, etc.)

Yes  No Have you ever been convicted of the unlawful use of narcotics or other controlled substances?

Yes  No Have you ever been convicted of any offense involving moral turpitude? (i.e., theft, criminal mischief, sex crimes, etc.)

Yes  No Have you ever been convicted of offense involving domestic violence?

Yes  No Have you ever been adjudicated as mentally incompetent?

Yes  No Are you currently subject to a court sanctioned protective order?

Yes  No Have you ever been dishonorably discharged from the armed forces?

**NEW APPLICANTS:** A department approved firearms instructor must complete the following certification information:

The applicant, \_\_\_\_\_ has met the criteria established by the Utah Department of Public Safety and Utah Code Ann. § 53-5-704(8). I certify this to be true and correct to the best of my knowledge and belief.

Instructor  
Signature \_\_\_\_\_

Training Date \_\_\_\_\_  
Month Day Year

The instructor's stamp goes in this box

**ALL APPLICANTS:** Please read and sign the statement below:

I understand that it is a class B misdemeanor to knowingly and willfully provide false information on a concealed firearm permit application and may result in the denial of a permit pursuant to Utah Code Ann. § 53-5-704(15). I hereby declare under criminal penalty of the State of Utah that the information contained on this application is true and correct.

Executed on: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)



53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

(15) An individual who knowingly and willfully provides false information on an application filed under this part is guilty of a class B misdemeanor, and the application may be denied, or the permit may be suspended or revoked.



# DISQUALIFYING CRITERIA

- ⊙ The bureau may deny, suspend, or revoke a concealed firearm permit if the applicant or permit holder:
  - ⊙ has been or is convicted of a **felony**;
  - ⊙ has been or is convicted of a **crime of violence**;
  - ⊙ has been or is convicted of an **offense involving the use of alcohol**;
  - ⊙ has been or is convicted of an offense involving the **unlawful use of narcotics or other controlled substances**;
  - ⊙ has been or is convicted of an offense involving **moral turpitude**;
  - ⊙ has been or is convicted of an offense involving **domestic violence**;
  - ⊙ has been or is **adjudicated** by a state or federal court as **mentally incompetent**, unless the adjudication has been withdrawn or reversed; and
  - ⊙ is **not qualified** to purchase and possess a firearm pursuant to Section 76-10-503 and federal law.



# DISQUALIFYING CRITERIA

- Class C misdemeanors & infractions..... 3 years
- Class B misdemeanors..... 4 years
- Class A misdemeanors..... 5 years
- Protective Order..... Lifetime
- Domestic Violence..... Lifetime
- Felony conviction..... Lifetime
- Convicted of a registrable sex offense..... Lifetime
- Mentally Incompetent..... Lifetime
- Danger to self or others..... CFP Board's discretion
- Past pattern of violent behavior..... CFP Board's discretion
- False information on initial or renewal permit application..... CFP Board's discretion
- Failure to provide sufficient fingerprints.....Suspension until acceptable fingerprints are received
- Is not qualified to purchase and possess firearms pursuant to Section 76-10-503 and federal law
- Utah Administrative Code allows BCI to consider mitigating circumstances after the time period has elapsed from the date the applicant was convicted or released from incarceration, parole, or probation, whichever occurred last
- Restoration of Rights/Relief from Disabilities are still a denier if the felony conviction remains on the criminal history



# MORAL TURPITUDE

- ⊙ Theft
- ⊙ Fraud
- ⊙ Tax evasion
- ⊙ Issuing bad checks
- ⊙ Robbery
- ⊙ Interference with police
- ⊙ Fleeing, resisting, or failure to obey police
- ⊙ Obstruction of justice
- ⊙ Bribery
- ⊙ Perjury
- ⊙ Extortion
- ⊙ Arson
- ⊙ Forgery
- ⊙ Wildlife violations involving weapons
- ⊙ Receiving stolen property
- ⊙ Firearms violations
- ⊙ Burglary
- ⊙ Vandalism
- ⊙ Kidnapping
- ⊙ Crimes involving unlawful sexual conduct
- ⊙ Violations of the pornographic and harmful materials and performances act
- ⊙ Falsifying govt. records
- ⊙ Criminal mischief



# JUVENILE FELONIES

## ⦿ Non-Violent Felony

- ⦿ Distribute Controlled Substance
- ⦿ Forgery
- ⦿ Theft
- ⦿ Possession of a stolen vehicle
- ⦿ Receive stolen property
- ⦿ Possession of a controlled substance

## ⦿ Violent Felony

- ⦿ Murder
- ⦿ Aggravated Assault
- ⦿ Rape
- ⦿ Aggravated Kidnapping
- ⦿ Robbery
- ⦿ Burglary
- ⦿ Aggravated Arson

Juvenile Felony Convictions Disqualifying Time Frame  
10 years for a violent felony  
7 years for a non-violent felony



# INSTRUCTOR DISQUALIFYING CRITERIA

- ⊙ Reasons instructors are disqualified
  - ⊙ The bureau may deny, suspend, or revoke the certification of a concealed firearms instructor if it has reason to believe the applicant has
    - ⊙ Become **ineligible** to possess a firearm or Utah concealed firearm permit
    - ⊙ Knowingly and willfully **provided false information** to the bureau

53-5-704. Bureau duties -- Permit to carry concealed firearm -- Certification for concealed firearms instructor -- Requirements for issuance -- Violation -- Denial, suspension, or revocation -- Appeal procedure.

(12) The bureau may deny, suspend, or revoke the certification of an applicant or a concealed firearms instructor if it has reason to believe the applicant or the instructor has:

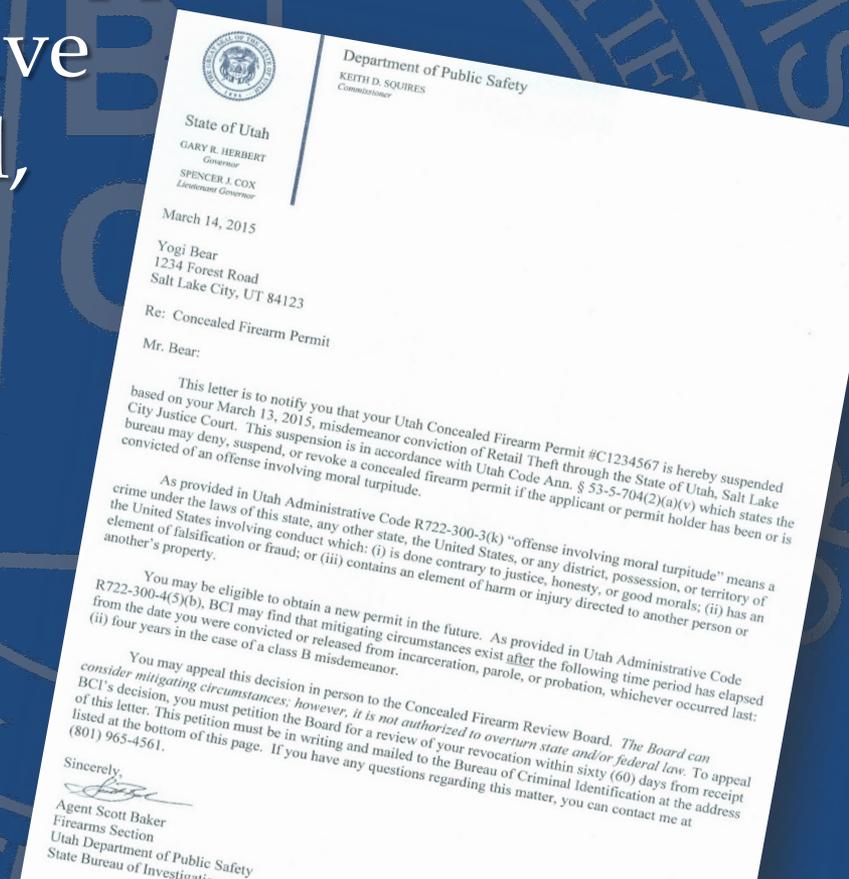
- (a) become ineligible to possess a firearm under Section 76-10-503 or federal law; or
- (b) knowingly and willfully provided false information to the bureau.



# ACTION AGAINST A PERMIT

⊙ If an application is denied, or a permit suspended/revoked, the applicant or permit holder will receive a letter by certified mail, advising the general reason for the action

⊙ Instructors and permit holders **must keep their address current with BCI**





# APPEALS PROCESS

- ⦿ In the event of a denial, suspension or revocation by BCI, the applicant or instructor may **file an appeal**
- ⦿ The appeal must be **received in writing and within 60 days** of the date of denial, suspension, or revocation
- ⦿ The petitioner will have the opportunity to address the board and explain the appeal
  - ⦿ Petitioner is **not required to appear** before the board
- ⦿ Once a ruling is made by the board, the petitioner will be notified by BCI within 30 days



# CFP REVIEW BOARD

- ◎ Concealed Firearm Review Board
  - ◎ Five members
  - ◎ Appointed by the DPS Commissioner and serve a four year term
  - ◎ The board shall include a member representing law enforcement and at least two citizens, one of whom represents sporting interests
  - ◎ The board meets once every three months



# UTAH PROVISIONAL PERMITS

- ⦿ Qualified individuals 18 to 20 years old
- ⦿ Same qualifications as standard permit
- ⦿ Expires on 21st birthday
  - ⦿ **Must apply for full permit at 21**
- ⦿ Prohibited from carrying in elementary/secondary schools
- ⦿ Non-resident applicant rules apply
  - ⦿ Recognition/Non-recognition
  - ⦿ Does the applicant's state offer a provisional permit?



# PROVISIONAL PERMIT FAQs

- ⦿ Can a provisional permit holder carry a firearm in schools?
  - ⦿ No. UCA § 53-5-710(2), specifically excludes an under 21 permit holder from carrying a concealed firearm on or about school premises.
- ⦿ Can a provisional permit holder purchase a handgun from a firearm dealer?
  - ⦿ No. Per 18 USC § 922(b)(1) a person under 21 may not purchase a handgun from a federal firearm licensee.



# PROVISIONAL PERMIT FAQs

- ⦿ Can I take the concealed permit class and apply for the provisional permit before my 18th birthday?
  - ⦿ Applicants may take the class at 17, but same one year application limit applies.
- ⦿ How do I upgrade to a standard permit?
  - ⦿ The provisional permit expires on the permit holder's 21st birthday. A complete application, including fingerprints, photo, and fees must be submitted for a standard permit. **The only exception is the class requirement which may be satisfied by including a copy of the provisional permit.**



# PROVISIONAL DISCLAIMER

- ◎ DPS/BCI continues to verify the recognition status with other states
- ◎ However, as with all laws it is the responsibility of the individual to **understand and comply with all applicable laws** of the jurisdiction in question



# UTAH LEGAL ISSUES

- ◎ Some Topics for discussion
  - ◎ Definitions associated with use of force laws
    - ◎ Ideas and explanations common to use of force statutes
  - ◎ Use of and justification of force in Utah law
    - ◎ Statutes which most directly relate to CFPs
  - ◎ Secured Areas and travel issues
    - ◎ Issues and considerations for CFP holders



# BODILY INJURY

## SERIOUS VS. SUBSTANTIAL

- Serious bodily injury **creates or causes serious permanent** disfigurement, protracted loss or impairment of function of any bodily member or organ, or creates a **substantial risk of death**
- Substantial bodily injury that creates or causes protracted physical pain, **temporary** disfigurement, or temporary loss or impairment of the function of any bodily member or organ.

76-1-601. Definitions.

Unless otherwise provided, the following terms apply to this title:

- (11) "Serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.
- (12) "Substantial bodily injury" means bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.



# FORCIBLE FELONIES

- ◎ Commonality is **force against persons**
- ◎ aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping, and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault, *arson*, robbery, *burglary*, occupied vehicle burglary, offenses which create substantial risk of death/s.b.i.

76-2-402. Force in defense of person -- Forcible felony defined. (4)

- (a) For purposes of this section, a forcible felony includes aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping, and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Title 76, Chapter 5, Offenses Against the Person, and arson, robbery, and burglary as defined in Title 76, Chapter 6, Offenses Against Property.
- (b) Any other felony offense which involves the use of force or violence against a person so as to create a substantial danger of death or serious bodily injury also constitutes a forcible felony.
- (c) Burglary of a vehicle, defined in Section 76-6-204, does not constitute a forcible felony except when the vehicle is occupied at the time unlawful entry is made or attempted.



# FIREARMS AT A RESIDENCE

- ⦿ In the State of Utah, a person\* may have a loaded firearm at his **residence**
- ⦿ An improvement to **real property used or occupied** as a primary, secondary, or temporary residence
  - ⦿ Camp, tent, trailer, motor home, motel room, etc.
- ⦿ **\*non-restricted person**

76-10-511. Possession of loaded firearm at residence or on real property authorized.

Except for persons described in Section 76-10-503 and 18 U.S.C. Sec. 922(g) and as otherwise prescribed in this part, a person may have a loaded firearm:

- (1) at the person's place of residence, including any temporary residence or camp; or
- (2) on the person's real property.



# CRIMINAL VS CIVIL LIABILITY

## ⦿ Criminal

⦿ The burden of proof on the state is **"beyond a reasonable doubt."**

⦿ Liability determined for **criminal punishment**, prison, fines etc.

## ⦿ Civil

⦿ The burden of proof on the party asserting the claim is by the **"preponderance of the evidence."**

⦿ Liability determined to restore **monetary or physical loss**.



# DEFENSE TO CIVIL ACTION

- ⊙ Utah law protects the **user of force from civil actions** from next-of-kin, heirs, etc. *if* acting within the law
  - ⊙ Entered property with criminal intent, or
  - ⊙ Injury/damage occurred during commission of a crime
    - ⊙ Doesn't apply if actions **weren't a crime or clearly retreated** from criminal activity

78B-3-110. Defense to civil action for damages resulting from commission of crime.

- (1) A person may not recover from the victim of a crime for personal injury or property damage if:
  - (a) the person entered the property of the victim or the victim's family with criminal intent and the injury or damage was inflicted by the victim or occurred while the person was on the victim's property; or
  - (b) the person committed a crime against the victim or the victim's family, during which the damage or injury occurred.
- (2) The provisions of Subsection (1) do not apply if the person can prove by clear and convincing evidence that the person's actions did not constitute a crime.
- (3) Subsection (1) applies to any next-of-kin, heirs, or personal representatives of the person if the person acquires a disability or is killed.
- (4) Subsections (1) and (2) do not apply if the person committing or attempting to commit the crime has clearly retreated from the criminal activity.
- (5) "Clearly retreated" means that the person committing the criminal act has fully, clearly, and immediately ceased all hostile, threatening, violent, or criminal behavior or activity.



# DEFENSE OF A PERSON

- ⊙ Must **reasonably believe** force is necessary
  - ⊙ Defend against **imminent** use of **unlawful force**
- ⊙ May use force **intended or likely** to cause **death or serious bodily injury**
  - ⊙ *If* used to prevent death, s.b.i., forcible felony
- ⊙ No duty to retreat if lawfully there

76-2-402. Force in defense of person -- Forcible felony defined.

- (1)(a) A person is justified in threatening or using force against another when and to the extent that the person reasonably believes that force or a threat of force is necessary to defend the person or a third person against another person's imminent use of unlawful force.
- (b) A person is justified in using force intended or likely to cause death or serious bodily injury only if the person reasonably believes that force is necessary to prevent death or serious bodily injury to the person or a third person as a result of another person's imminent use of unlawful force, or to prevent the commission of a forcible felony.
- (2)(a) A person is not justified in using force under the circumstances specified in Subsection (1) if the person:
  - (i) initially provokes the use of force against the person with the intent to use force as an excuse to inflict bodily harm upon the assailant;
  - (ii) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony; or
  - (iii) was the aggressor or was engaged in a combat by agreement, unless the person withdraws from the encounter and effectively communicates to the other person his intent to do so and, notwithstanding, the other person continues or threatens to continue the use of unlawful force.



# DEFENSE OF HABITATION

- ◎ Reasonable belief force is needed to stop entry or attack on habitation
  - ◎ Entry is violent, tumultuous, or by stealth
  - ◎ With the purpose of assault or personal violence or commission of a felony

76-2-405. Force in defense of habitation.

- (1) A person is justified in using force against another when and to the extent that he reasonably believes that the force is necessary to prevent or terminate the other's unlawful entry into or attack upon his habitation; however, he is justified in the use of force which is intended or likely to cause death or serious bodily injury only if:
  - (a) the entry is made or attempted in a violent and tumultuous manner, surreptitiously, or by stealth, and he reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person, dwelling, or being in the habitation and he reasonably believes that the force is necessary to prevent the assault or offer of personal violence; or
  - (b) he reasonably believes that the entry is made or attempted for the purpose of committing a felony in the habitation and that the force is necessary to prevent the commission of the felony.
- (2) The person using force or deadly force in defense of habitation is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the entry or attempted entry is unlawful and is made or attempted by use of force, or in a violent and tumultuous manner, or surreptitiously or by stealth, or for the purpose of committing a felony.



# DEFENSE OF HABITATION

- ⊙ User of force is presumed reasonable
  - ⊙ Acted out of **reasonable fear of imminent peril**
- ⊙ *If* the entry was unlawful and used force or
- ⊙ **Violent, tumultuous, by stealth, or to commit a felony**
  - ⊙ Both criminal and civil cases

76-2-405. Force in defense of habitation.

- (1) A person is justified in using force against another when and to the extent that he reasonably believes that the force is necessary to prevent or terminate the other's unlawful entry into or attack upon his habitation; however, he is justified in the use of force which is intended or likely to cause death or serious bodily injury only if:
  - (a) the entry is made or attempted in a violent and tumultuous manner, surreptitiously, or by stealth, and he reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person, dwelling, or being in the habitation and he reasonably believes that the force is necessary to prevent the assault or offer of personal violence; or
  - (b) he reasonably believes that the entry is made or attempted for the purpose of committing a felony in the habitation and that the force is necessary to prevent the commission of the felony.
- (2) The person using force or deadly force in defense of habitation is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the entry or attempted entry is unlawful and is made or attempted by use of force, or in a violent and tumultuous manner, or surreptitiously or by stealth, or for the purpose of committing a felony.



# DEFENSE ON REAL PROPERTY

- ⊙ This is defense of **persons** on real property
- ⊙ **Same basic elements** as defense of habitation
  - ⊙ Reasonable/Imminent/Unlawful trespass/Violent/etc.
- ⊙ Must be in **lawful possession** of real property
- ⊙ **Real Property** generally refers to **land, structures, etc.**
- ⊙ Same presumption of reasonableness

76-2-407. Deadly force in defense of persons on real property.

- (1) A person is justified in using force intended or likely to cause death or serious bodily injury against another in his defense of persons on real property other than his habitation if:
  - (a) he is in lawful possession of the real property;
  - (b) he reasonably believes that the force is necessary to prevent or terminate the other person's trespass onto the real property;
  - (c) the trespass is made or attempted by use of force or in a violent and tumultuous manner; and
  - (d)(i) the person reasonably believes that the trespass is attempted or made for the purpose of committing violence against any person on the real property and he reasonably believes that the force is necessary to prevent personal violence; or
  - (ii) the person reasonably believes that the trespass is made or attempted for the purpose of committing a forcible felony as defined in Section 76-2-402 that poses imminent peril of death or serious bodily injury to a person on the real property and that the force is necessary to prevent the commission of that forcible felony.
- (2) The person using deadly force in defense of persons on real property under Subsection (1) is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the trespass or attempted trespass is unlawful and is made or attempted by use of force, or in a violent and tumultuous manner, or for the purpose of committing a forcible felony.



# DEFENSE OF PROPERTY

- ⊙ Force, **other than deadly force**
  - ⊙ **Reasonably believes force is necessary** to prevent or terminate criminal interference
    - ⊙ Property lawfully in his possession
    - ⊙ The possession of an immediate family member
    - ⊙ Possession of another whose property he **has a legal duty to protect**

76-2-406. Force in defense of property -- Affirmative defense.

(1) A person is justified in using force, other than deadly force, against another when and to the extent that the person reasonably believes that force is necessary to prevent or terminate another person's criminal interference with real property or personal property:

- (a) lawfully in the person's possession;
- (b) lawfully in the possession of a member of the person's immediate family; or
- (c) belonging to a person whose property the person has a legal duty to protect.

(2) In determining reasonableness under Subsection (1), the trier of fact shall, in addition to any other factors, consider the following factors:

- (a) the apparent or perceived extent of the damage to the property;
- (b) property damage previously caused by the other person;
- (c) threats of personal injury or damage to property that have been made previously by the other person; and
- (d) any patterns of abuse or violence between the person and the other person.



# ARREST BY PRIVATE PERSONS

- ⊙ Arrests may be made for
  - ⊙ Public offense **committed in your presence**
  - ⊙ **Reasonable cause** to believe the person has **committed a felony**
- ⊙ Should you make an arrest or should you be a good witness?
  - ⊙ Necessary use of force?
  - ⊙ Identifiable by responding law enforcement?

77-7-3. By private persons.

A private person may arrest another:

- (1) For a public offense committed or attempted in his presence; or
- (2) When a felony has been committed and he has reasonable cause to believe the person arrested has committed it.



# DETERMINING REASONABLENESS

- ◎ Some things a court may consider
  - ◎ Nature of danger
  - ◎ Immediacy of danger
  - ◎ Probability that unlawful force would result in death or serious bodily injury
  - ◎ Prior violent acts or propensities
  - ◎ Patterns of abuse or violence

76-2-402. Force in defense of Person.

- (5) In determining imminence or reasonableness under Subsection (1), the trier of fact may consider, but is not limited to, any of the following factors:
- (a) the nature of the danger;
  - (b) the immediacy of the danger;
  - (c) the probability that the unlawful force would result in death or serious bodily injury;
  - (d) the other's prior violent acts or violent propensities; and
  - (e) any patterns of abuse or violence in the parties' relationship.



# UNJUSTIFIABLE CIRCUMSTANCES

- Provokes the use of force as an excuse to inflict harm
- Committing or fleeing the commission of a felony
  - Force to facilitate the crime or the escape
- Engaged in mutual combat
  - Unless he withdraws and effectively communicates intent to withdraw

76-2-402. Force in defense of Person.

- (2) (a) A person is not justified in using force under the circumstances specified in Subsection (1) if the person:
- (i) initially provokes the use of force against the person with the intent to use force as an excuse to inflict bodily harm upon the assailant;
  - (ii) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony; or
  - (iii) was the aggressor or was engaged in a combat by agreement, unless the person withdraws from the encounter and effectively communicates to the other person his intent to do so and, notwithstanding, the other person continues or threatens to continue the use of unlawful force.



# UNJUSTIFIABLE CIRCUMSTANCES

- ⊙ Unjustified and unlawful force
  - ⊙ Assault
    - ⊙ Attempt or act that **causes or risks** bodily injury to another
  - ⊙ Aggravated Assault
    - ⊙ Attempt, threat, or act that causes or risks bodily injury to another and includes use of a **dangerous weapon**
  - ⊙ Threat of Violence
    - ⊙ Threatens and acts with intent to place a person in **imminent fear of injury or death**



# SECURE/PROHIBITED AREAS

- ◎ Concealed permit holders **may not carry** firearms into these areas:
  - ◎ Secure facilities (court, law enforcement, correctional, and mental health facilities)
    - ◎ Posted notices
  - ◎ House of worship or private residence where prohibited
  - ◎ Any airport secure area
  - ◎ Other prohibited State or Federal facilities

53-5-710. Cross-references to concealed firearm permit restrictions.

A person with a permit to carry a concealed firearm may not carry a concealed firearm in the following locations:

- (1) any secure area prescribed in Section 76-10-523.5 in which firearms are prohibited and notice of the prohibition posted;
- (2) in any airport secure area as provided in Section 76-10-529; or
- (3) in any house of worship or in any private residence where dangerous weapons are prohibited as provided in Section 76-10-530.



# PROHIBITION NOTIFICATION

⊙ If **notification** has been given per statute, a person **may not carry a concealed firearm** into houses of worship, private residences, private businesses

⊙ Personal communication

⊙ Posting of signs

⊙ Announcement

⊙ Publication in newspaper, newsletter, bulletin, etc.



76-10-530. Trespass with a firearm in a house of worship or private residence -- Notice -- Penalty.

(1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Firearm Act, after notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:

(a) transport a firearm into:...



# OTHER PROHIBITIONS

## ⦿ Federal Facilities

- ⦿ A building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties

## ⦿ Indian Reservations

- ⦿ Obtain permission through tribal leadership
  - ⦿ Not applicable to highways passing through

## ⦿ National Parks/National Forests

- ⦿ Must abide by laws of state where park is located



# TRAVELING WITH FIREARMS

## ⦿ General

- ⦿ State laws regarding the possession of firearms vary. ALWAYS consider your travel mode, route, and destination and **understand state requirements before traveling.**

## ⦿ Air Travel

- ⦿ **NEVER ATTEMPT TO TRAVEL WITH FIREARMS IN YOUR CARRY ON LUGGAGE!!!**

- ⦿ IT DOES NOT MATTER IF THE INTENT WAS CRIMINAL OR IF YOU SIMPLY FORGOT YOU POSSESSED A FIREARM.

## ⦿ Best Practice is to always **“unpack before you pack!”**

- ⦿ Ensure your luggage and clothing are clear of any firearms or ammunition.
- ⦿ Never use a range bag for a travel bag.



# TRAVELING WITH FIREARMS

- ◎ Firearms and ammunition are **ONLY accepted as checked baggage** and must be declared to an agent at check in.
  - ◎ Firearms must be transported unloaded and in a locked, hard-sided container.
  - ◎ Most airlines do not accept firearms to be checked curbside.
- ◎ TSA provides a number of resources to assist you:
  - [blog.tsa.gov](http://blog.tsa.gov)
  - [www.tsa.gov](http://www.tsa.gov)
  - [www.tsa.gov/travel/security-screening/prohibited-items](http://www.tsa.gov/travel/security-screening/prohibited-items)
- ◎ Always **check with the TSA, specific airport, and airline** you're traveling with for exact rules and procedures.



# WEAPONS LAWS





# UNIFORM WEAPON LAW

- ⦿ Except as specifically provided by state law, no one is...
  - ⦿ Prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm in his place of **residence, property, business**, or in any **vehicle** lawfully in his possession or lawfully under his control; or
  - ⦿ **No permit or license required** to purchase, own, possess, transport, or keep a firearm
  - ⦿ **No requirement to register** firearms with the State of Utah

76-10-500. Uniform law.

- (1) The individual right to keep and bear arms being a constitutionally protected right, the Legislature finds the need to provide uniform laws throughout the state. Except as specifically provided by state law, a citizen of the United States or a lawfully admitted alien shall not be:
- (a) prohibited from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at his place of residence, property, business, or in any vehicle lawfully in his possession or lawfully under his control; or
  - (b) required to have a permit or license to purchase, own, possess, transport, or keep a firearm.



# OPEN CARRY LAW

- ⦿ No CFP: open carry only, must be holstered or encased and must be statutorily unloaded
- ⦿ With CFP: ability to open carry or have concealed fully loaded
- ⦿ Number of weapons and weapon type not specific

76-9-102. Disorderly conduct.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.



# OPEN CARRY LAW

⦿ All weapons have to be holstered or encased as of 2014. Amended Disorderly Conduct Statute

⦿ Example: No more just open carry “slung” long guns



76-9-102. Disorderly conduct.

(3) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section. Nothing in this Subsection (3) may limit or prohibit a law enforcement officer from approaching or engaging any person in a voluntary conversation.



# WEAPONS LAW

## THREATENING MANNER

### ⦿ Threatening manner does not include:

- ⦿ The possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening
- ⦿ May place hand on weapon while holstered and advise the possession of the weapon and to verbally disengage from the confrontation
- ⦿ Drawing your weapon with out justification would be considered threatening behavior

76-10-506. Threatening with or using dangerous weapon in fight or quarrel.

(b) "Threatening manner" does not include:

- (i) the possession of a dangerous weapon, whether visible or concealed, without additional behavior which is threatening; or
- (ii) informing another of the actor's possession of a deadly weapon in order to prevent what the actor reasonably perceives as a possible use of unlawful force by the other and the actor is not engaged in any activity described in Subsection 76-2-402(2)(a).

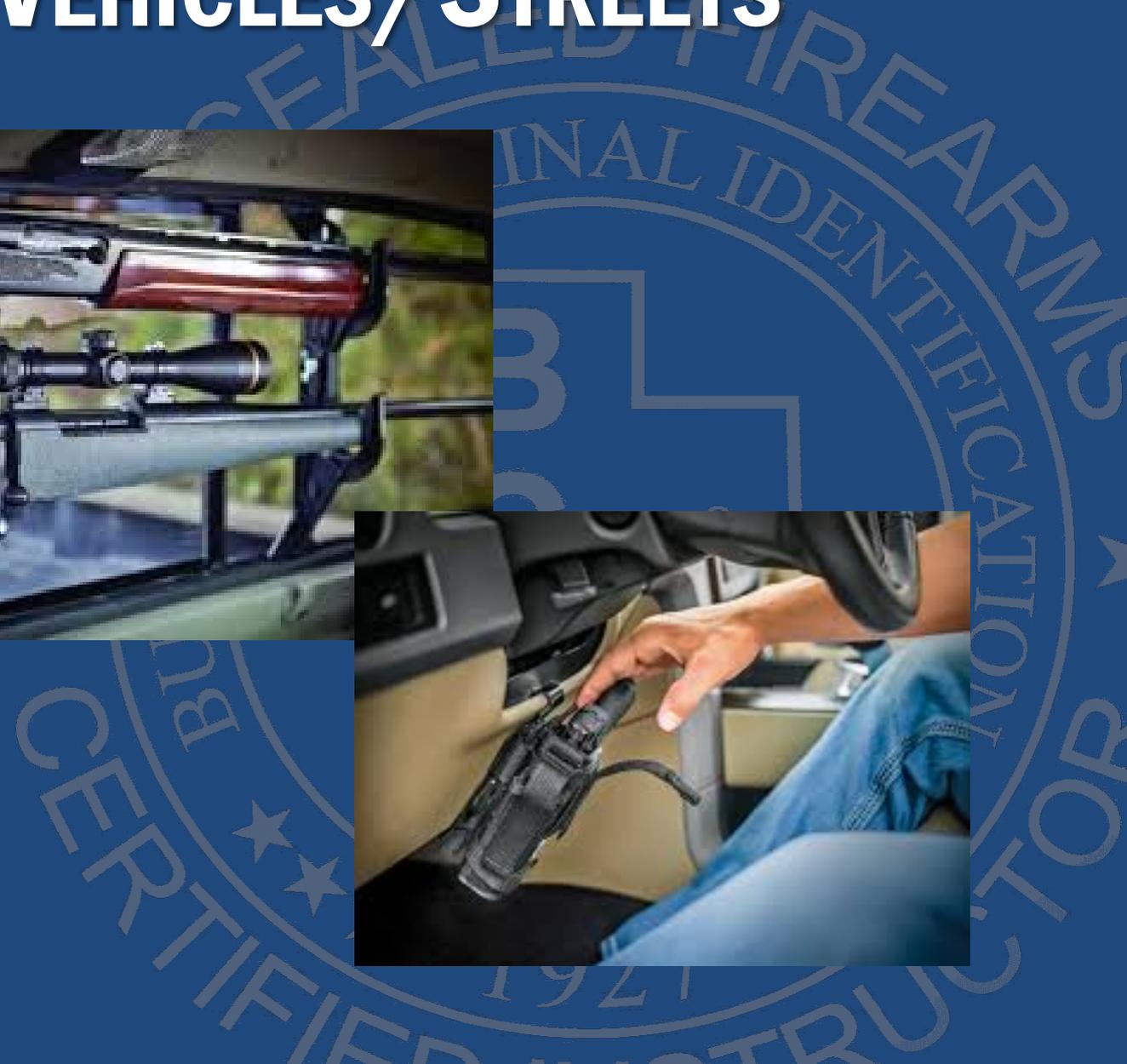
(2) Except as otherwise provided in Section 76-2-402 and for those persons described in Section 76-10-503, a person who, in the presence of two or more persons, and not amounting to a violation of Section 76-5-103, draws or exhibits a dangerous weapon in an angry and threatening manner or unlawfully uses a dangerous weapon in a fight or quarrel is guilty of a class A misdemeanor.

(3) This section does not apply to a person who, reasonably believing the action to be necessary in compliance with Section 76-2-402, with purpose to prevent another's use of unlawful force:

- (a) threatens the use of a dangerous weapon; or (b) draws or exhibits a dangerous weapon.



# VEHICLES / STREETS





# LOADED FIREARM VEHICLE OR STREET

- ⊙ **No CFP** while in vehicle:
  - ⊙ Applies to **handguns** only: can have statutorily loaded or unloaded, concealed or not concealed
  - ⊙ Person is 18 years or older
  - ⊙ Is in lawful possession of the vehicle
  - ⊙ Not a restricted person
- ⊙ **No CFP** on public street:
  - ⊙ Must be in plain view (open carry)
  - ⊙ Must be holstered or encased
  - ⊙ Must be statutorily **unloaded**
  - ⊙ Not a restricted person





# LOADED FIREARM VEHICLE OR STREET

- ◎ **With CFP in Vehicle:** Same as non CFP holders but now you can have loaded **long guns** and **rifles**
- ◎ **With CFP on Street:** Can have as many handguns and/or rifles/shotguns either concealed or visible on person and be loaded or unloaded and **encased**
- ◎ Remember a Utah Concealed Permit does not indicate how many or what type of firearms can be legally carried

76-10-505. Carrying loaded firearm in vehicle or on street.

- (1) Unless otherwise authorized by law, a person may not carry a loaded firearm:
  - (a) in or on a vehicle, unless: (i) the vehicle is in the person's lawful possession; or
  - (ii) the person is carrying the loaded firearm in a vehicle with the consent of the person lawfully in possession of the vehicle;
  - (b) on a public street; or (c) in a posted prohibited area.



# STATUTORILY LOADED AND UNLOADED

## ⊙ Semi Automatic:

⊙ Fully loaded magazine without a round in the chamber



## ⊙ Revolvers:

⊙ Cylinder behind hammer must be empty and the next cylinder in rotation must also be empty



⊙ A Six shooter now becomes a four shooter

76-10-502. When weapon deemed loaded.

- (1) For the purpose of this chapter, any pistol, revolver, shotgun, rifle, or other weapon described in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position.
- (2) Pistols and revolvers shall also be deemed to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired.
- (3) A muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.



# CONCEALED WEAPON VIOLATIONS

- ⦿ **No CFP:** Can't carry concealed or loaded other than the person's **residence, property, a vehicle** in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or **business** under the person's control
  - ⦿ If caught with concealed "loaded" firearm (no CFP) guilty of class A misdemeanor
  - ⦿ If caught with unlawfully possessed short barrel shotgun or a short barrel rifle (class 3 weapons) guilty of a 2nd Degree felony
  - ⦿ **Reminder: Valid permit holders can carry legally owned firearms fully loaded and concealed**

76-10-504. Carrying concealed firearm -- Penalties.

(1) Except as provided in Section 76-10-503 and in Subsections (2), (3), and (4), a person who carries a concealed firearm, as defined in Section 76-10-501, including an unloaded firearm on his or her person or one that is readily accessible for immediate use which is not securely encased, as defined in this part, in or on a place other than the person's residence, property, a vehicle in the person's lawful possession, or a vehicle, with the consent of the individual who is lawfully in possession of the vehicle, or business under the person's control is guilty of a class B misdemeanor.



# WORKPLACE POLICIES VS. LAW





# PROTECTION OF ACTIVITIES

## PRIVATE VEHICLES

- ⦿ Legal to store firearms in locked vehicles parked on private property
  - ⦿ Employers may ban firearms on their property but;
    - ⦿ **MUST** provide alternative parking at no cost to employee, or;
    - ⦿ Provide a secured and monitored storage location where the individual may securely store a firearm before proceeding with the vehicle on to the property

34-45-103. Protection of certain activities -- Firearms -- Free exercise of religion.

- (1) Except as provided in Subsection (2), a person may not establish, maintain, or enforce any policy or rule that has the effect of:
  - (a) prohibiting any individual from transporting or storing a firearm in a motor vehicle on any property designated for motor vehicle parking, if:
    - (i) the individual is legally permitted to transport, possess, purchase, receive, transfer, or store the firearm;
    - (ii) the firearm is locked securely in the motor vehicle or in a locked container attached to the motor vehicle while the motor vehicle is not occupied; and
    - (iii) the firearm is not in plain view from the outside of the motor vehicle



# PROTECTION OF ACTIVITIES PRIVATE VEHICLES

- ⊙ Exemptions to private parking lots
  - ⊙ School premises
  - ⊙ Governmental entities
  - ⊙ Religious organizations-acting as employer
  - ⊙ Residential units-Single family or tenant occupied-  
Apartments



34-45-103. Protection of certain activities -- Firearms -- Free exercise of religion.

- (1) Except as provided in Subsection (2), a person may not establish, maintain, or enforce any policy or rule that has the effect of:
  - (a) prohibiting any individual from transporting or storing a firearm in a motor vehicle on any property designated for motor vehicle parking, if:
    - (i) the individual is legally permitted to transport, possess, purchase, receive, transfer, or store the firearm;
    - (ii) the firearm is locked securely in the motor vehicle or in a locked container attached to the motor vehicle while the motor vehicle is not occupied; and
    - (iii) the firearm is not in plain view from the outside of the motor vehicle



# WEAPONS LAWS EXEMPT PERSONS

- ⊙ Concealed Weapon Act restrictions do not apply to any of the following:
  - ⊙ US Marshal, or any federal official required to carry a firearm
  - ⊙ Peace Officer of this or any other jurisdiction
  - ⊙ Law Enforcement Official or Judge as defined and qualified
  - ⊙ FFL Dealer engaged in regular business
  - ⊙ Non-Utah resident traveling through state, provided all firearms are **unloaded** and securely **encased**

76-10-523. Persons exempt from weapons laws.

- (1) Except for Sections 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:
  - (a) a United States marshal; (b) a federal official required to carry a firearm; (c) a peace officer of this or any other jurisdiction; (d) a law enforcement official as defined and qualified under Section 53-5-711; (e) a judge as defined and qualified under Section 53-5-711; or (f) a common carrier while engaged in the regular and ordinary transport of firearms as merchandise.
- (2) The provisions of Subsections 76-10-504(1) and (2), and Section 76-10-505 do not apply to any person to whom a permit to carry a concealed firearm has been issued: (a) pursuant to Section 53-5-704; or (b) by another state or county.
- (3) Except for Sections 76-10-503, 76-10-506, 76-10-508, and 76-10-508.1, this part and Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident traveling in or though the state, provided that any firearm is: (a) unloaded; and (b) securely encased as defined in Section 76-10-501.



# LAW ENFORCEMENT CONTACT

- ◎ Persons are not **required** in Utah to notify Law Enforcement about CFP
  - ◎ Utah residents: CFP status is on DL history when checked by police and is available to out-of-state law enforcement upon request
- ◎ Encourage all individuals with or without CFP to be cooperative and **comply with all lawful orders** from police officers

77-7-15. Authority of peace officer to stop and question suspect -- Grounds.

A peace officer may stop any person in a public place when he has a reasonable suspicion to believe he has committed or is in the act of committing or is attempting to commit a public offense and may demand his name, address and an explanation of his actions.



# LAW ENFORCEMENT CONTACT

- ⊙ Law enforcement advised to **only** keep and mail back CFP cards to BCI for **Revoked status**
  - ⊙ Applies to resident **Utah CFP ONLY!**
- ⊙ Incidents involving a CFP disqualifying offense violation
  - ⊙ Forward a copy of the **incident report to BCI**
- ⊙ Enforcement action is done by BCI Investigators, the final review and findings are done by the CFP board
  - ⊙ Common example: Mental health, Suicides



# DISCHARGE OF FIREARM PRIVATE PROPERTY – LIABILITY

- ⊙ A private property owner who knowingly allows a person who has a permit to carry a concealed firearm under Section 53-5-704 to bring a firearm onto the owner's property, is **not civilly or criminally liable** for any damage or harm resulting from the discharge of the firearm by the permit holder while on the owner's property.
- ⊙ **Civilly or Criminal Liable if property owner solicits, requests, commands, encourages, or intentionally aids in the firearms discharge**

53-5a-103. Discharge of firearm on private property -- Liability.

(1) Except as provided under Subsection (2), a private property owner, who knowingly allows a person who has a permit to carry a concealed firearm under Section 53-5-704 to bring the firearm onto the owner's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the permit holder while on the owner's property.

(2) Subsection (1) does not apply if the property owner solicits, requests, commands, encourages, or intentionally aids the concealed firearm permit holder in discharging the firearm while on the owner's property.



# EXCEPTION

◎ **Civilly or Criminal Liable if property owner solicits, requests, commands, encourages, or intentionally aids in the firearms discharge**



53-5a-103. Discharge of firearm on private property -- Liability.

(1) Except as provided under Subsection (2), a private property owner, who knowingly allows a person who has a permit to carry a concealed firearm under Section 53-5-704 to bring the firearm onto the owner's property, is not civilly or criminally liable for any damage or harm resulting from the discharge of the firearm by the permit holder while on the owner's property.

(2) Subsection (1) does not apply if the property owner solicits, requests, commands, encourages, or intentionally aids the concealed firearm permit holder in discharging the firearm while on the owner's property.



# ALCOHOL/CONTROLLED SUBSTANCE VIOLATIONS

⊙ Violation to carry dangerous weapon while under the influence of alcohol and or a controlled substance

⊙ Class B Misdemeanor

⊙ Not a Defense:

⊙ Has a valid concealed firearm permit

⊙ Licensed in the pursuit of hunting

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76-10-528. Carrying a dangerous weapon while under influence of alcohol or drugs unlawful.

- (1) Any person who carries a dangerous weapon while under the influence of alcohol or a controlled substance as defined in Section 58-37-2 is guilty of a class B misdemeanor. Under the influence means the same level of influence or blood or breath alcohol concentration as provided in Subsections 41-6a-502(1)(a) through(c).
- (2) It is not a defense to prosecution under this section that the person:
  - (a) is licensed in the pursuit of wildlife of any kind; or
  - (b) has a valid permit to carry a concealed firearm.



# FIREARMS CONFISCATION PROHIBITION

- ◎ State of Emergency or Disaster:
  - ◎ Government and law enforcement may not confiscate firearms if lawful to possess
  - ◎ Officers may not be disciplined for refusing to confiscate
  - ◎ Law Enforcement and government may be subject to civil damages

**STATE  
OF  
EMERGENCY**

53-2a-214. Prohibition of restrictions on and confiscation of a firearm or ammunition during an emergency.

(2) During a declared state of emergency or local emergency under this part:

(a) neither the governor nor an agency of a governmental entity or political subdivision of the state may impose restrictions, which were not in force before the declared state of emergency, on the lawful possession, transfer, sale, transport, storage, display, or use of a firearm or ammunition; and

(b) an individual, while acting or purporting to act on behalf of the state or a political subdivision of the state, may not confiscate a privately owned firearm of another individual.

(5)(a) A law enforcement officer is not subject to disciplinary action for refusing to confiscate a firearm under this section if:

(i) ordered or directed to do so by a superior officer; and

(ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.



# FEDERAL LAWS





# FEDERAL FIREARM REGULATIONS

- ◎ Title 18 Chapter 44 - 922 Unlawful acts
  - ◎ **Straw** Purchase
  - ◎ Unlawful **transport** of firearm by non-licensed dealer, importer, manufacturer, or collector
  - ◎ Unlawful **transfer** of a firearm to restricted person
  - ◎ Unlawful **possession** of a firearm by restricted person
  - ◎ Unlawful **possession** of a firearm in a school zone



# “STRAW” FIREARM PURCHASE

⊙ Knowingly make or furnish a false or fictitious oral or written statement or misrepresented identification intending to deceive with respect to purchasing a firearm.





# TRANSPORTING FIREARMS

- ⦿ Interstate transportation of a firearm for lawful purpose is allowed if:
  - ⦿ The **transporter** is not a restricted person
  - ⦿ The firearm is not restricted
  - ⦿ Only FFLs may transport to engage in business
  - ⦿ Firearm must be **unloaded**
  - ⦿ Ammunition and firearm **not readily accessible** or directly accessible from the passenger compartment unless in a locked container excluding glove box or console



# FEDERAL FIREARM PROHIBITORS





# FELONIES

- ◎ Conviction punishable by term **exceeding one year**
- ◎ Not just felonies
- ◎ Includes pending felonies





# CONTROLLED SUBSTANCE USE

- ⊙ Unlawful **user** of controlled substance
- ⊙ Possession (illegal) is a one year disqualifier even if case is dismissed or found not guilty





# DOMESTIC VIOLENCE

- ⊙ Conviction of misdemeanor crime of domestic violence (MCDV)
  - ⊙ Misdemeanor
    - ⊙ No infractions
    - ⊙ Felony DV would be denied as a felony
  - ⊙ Crimes
    - ⊙ Must be a conviction
  - ⊙ Domestic
    - ⊙ "Intimate partner" as defined by the FBI
  - ⊙ Violence
    - ⊙ Must involve an element of force



# ADJUDICATED MENTALLY DEFECTIVE

- ⦿ Adjudicated mentally defective
  - ⦿ Prohibited for life, even with rights restored and or expunged
    - ⦿ **Exceptions:** Voluntary admits, in mental institution for observation/evaluation. Received ATF relief from disabilities under 18 U.S.C 478.144.





# PROTECTIVE ORDER

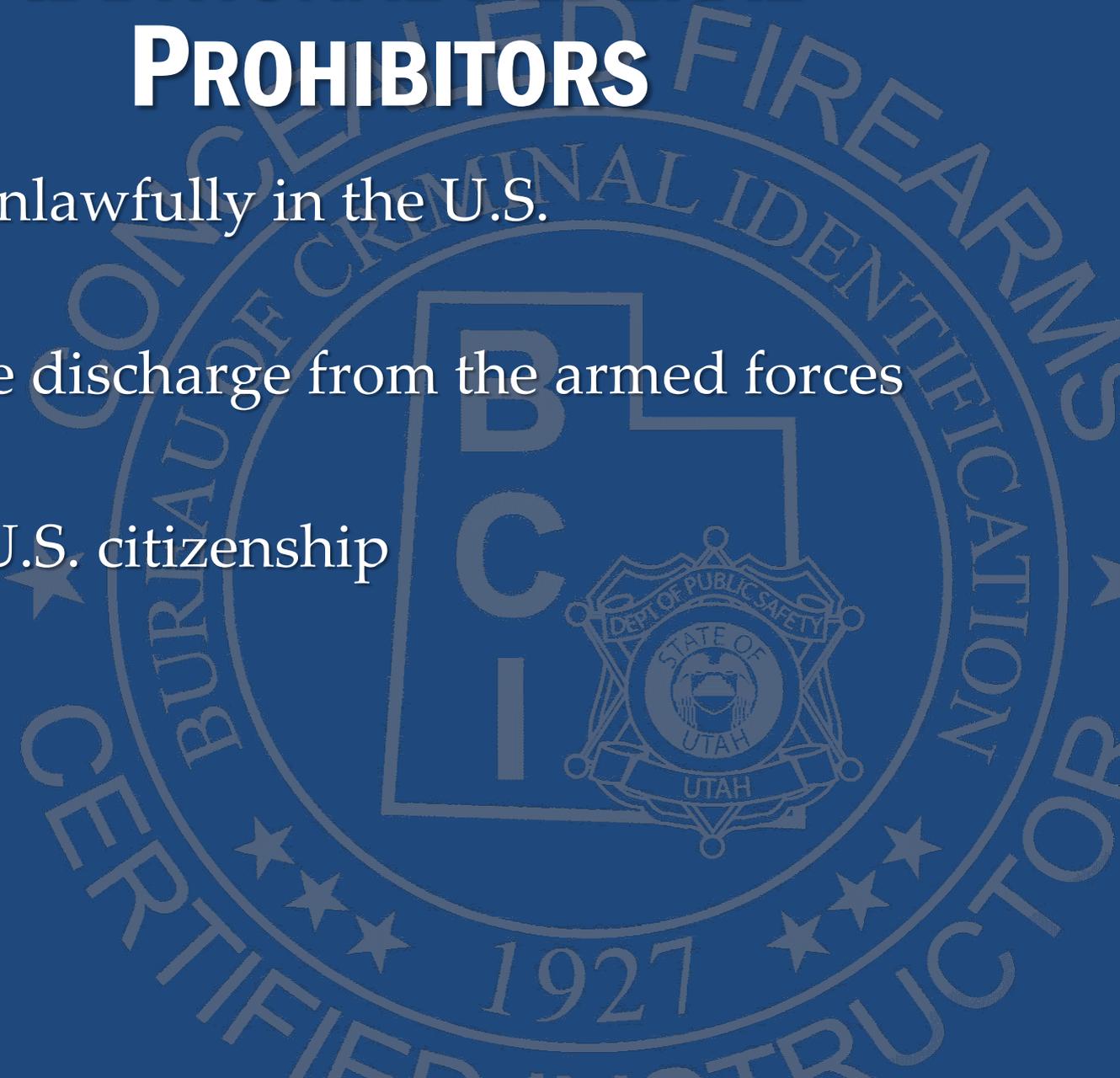
- ⦿ Protective order
  - ⦿ Utah protective orders are non expiring
  - ⦿ Has to have an element of cohabitation
    - ⦿ Restraining orders (neighbors), stalking injunctions, etc. are not prohibitors





# ADDITIONAL FEDERAL PROHIBITORS

- ⦿ Illegally or unlawfully in the U.S.
- ⦿ Dishonorable discharge from the armed forces
- ⦿ Renounced U.S. citizenship





# FEDERAL FIREARM PROHIBITORS

- ⦿ Illegal or unlawfully in the U.S.
- ⦿ Dishonorable discharge from the armed forces
- ⦿ Renounced U.S. citizenship
- ⦿ Protective order
  - ⦿ Utah protective orders are non expiring.
  - ⦿ Has to have element of cohabitation
    - ⦿ Restraining orders (neighbors), stalking injunctions, etc. are not prohibitors
- ⦿ Conviction of misdemeanor crime of domestic violence (MCDV)
- ⦿ Pending Felony Charges



# FIREARMS ON SCHOOL PREMISES

- ⦿ Unlawful to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone
  - ⦿ Exception: If the individual possessing the firearm is licensed to do so by **the State in which the school zone is located**
- ⦿ Public schools: A valid concealed firearm permit holder can possess a firearm within a public school
  - ⦿ Private schools can restrict firearms (similar to private property owners)



# FIREARMS ON SCHOOL PREMISES

## ⦿ Exceptions:

⦿ Law Enforcement

⦿ **Utah** Concealed Firearm Permit Holder

⦿ The possession is approved by the responsible school administrator; for a lawful approved activity and is in the possession or control of the responsible person

⦿ In any vehicle lawfully under the person's control

76-10-505.5. Possession of a dangerous weapon, firearm, or short barreled shotgun on or about school premises -- Penalties.

(2) A person may not possess any dangerous weapon, firearm, or short barreled shotgun, as those terms are defined in Section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises as defined in this section.

(3)(a) Possession of a dangerous weapon on or about school premises is a class B misdemeanor. (b) Possession of a firearm or short barreled shotgun on or about school premises is a class A misdemeanor.

(4) This section does not apply if: (a) the person is authorized to possess a firearm as provided under Section 53-5-704, 53-5-705, 76-10-511, or 76-10-523, or as otherwise authorized by law; (b) the possession is approved by the responsible school administrator; (c) the item is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use; or (d) the possession is: (i) at the person's place of residence or on the person's property; or (ii) in any vehicle lawfully under the person's control, other than a vehicle owned by the school or used by the school to transport students.



# SELLING FIREARMS

- ⦿ Cannot sell to anyone **outside your state** of residency
  - ⦿ Exception, Utah residents can sell firearm to active duty military personal stationed in Utah
    - ⦿ Must have duty orders-PCS Orders
- ⦿ No registration required
  - ⦿ Only transactions at the FFL dealership are registered
- ⦿ Cannot sell to anyone **under 18** years of age
- ⦿ Suggest that a non-licensed sale include a bill of sale between parties to prove the transfer



# YOUR RESPONSIBILITY

◎ It is the responsibility of each **instructor** and/or **permit holder** to keep up with changes in Federal law, Utah law, and Administrative rules.

**Remember Laws Change!!**



# ONLINE REFERENCES

## ◎BCI Website

◎[bci.utah.gov](http://bci.utah.gov)

## ◎Utah Criminal and Traffic Codes

◎[le.utah.gov](http://le.utah.gov)





# BCI INFORMATION

◎Physical address/ mailing address:

Bureau of Criminal Identification  
3888 W 5400 S  
Salt Lake City, UT 84129  
(801)965-4445  
[dpsfirearms@utah.gov](mailto:dpsfirearms@utah.gov)

